

REPORT

OF THE

PENITENTIARY INVESTIGATING COMMITTEE

INCLUDING

ALL EXHIBITS AND TESTIMONY
TAKEN BY THE COMMITTEE

PUBLISHED BY ORDER OF THE HOUSE OF
REPRESENTATIVES, AUGUST, 1910.

INVESTIGATING COMMITTEE.

C. E. GILMORE, CHAIRMAN.

F. C. WEINERT, VICE CHAIRMAN.

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EXPLANATION.

Due to the fact that the resolution authorizing the publication of the testimony and report of the Penitentiary Investigating Committee called for the printing of forty-eight pages per day, to be laid on the desk of members, so that the copy had to be arranged in proper order very hurriedly, pages 30 to 49, inclusive, being properly an appendix to the auditors' report, are out of place in the book. It was thought best by the writer, who had charge of the work, to let them remain so rather than to go to the expense of printing about 100 pages over again at a cost of not less than \$100. The reader will bear in mind that these pages are a part of the auditors' report (pages 30-49), and they are so referred to in the index.

In like manner, the editor found it impossible, owing to limited time, etc., and the further fact that he had no authority to change figures in reports anyway, to adjust the page references in the "Final Report" of the Investigating Committee (pages 27 to 29, inclusive) to conform to the printed volume. The page references there given refer to the manuscript copy and not to the printed volume. The report was so printed in the first forty-eight pages which were laid on the desks of the members of the House and Senate, and without printing the whole over again it would have been manifestly impossible to have arranged the page references to conform to the printed record when only a few pages of the work had been placed in type. In looking up these references the reader will have to be guided by the index and the general text of the book itself.

In the limited time at our disposal for this work, the index is not near so complete as it should have been for a volume containing so much valuable information, but we hope that it will assist the searchers after facts to find what they are looking for.

WORTH S. RAY,
Editor.

LAW AUTHORIZING PENITENTIARY INVESTIGATION.

S. B. No. 159.7

CHAPTER 105.

An Act to provide for the appointment of four members of the Senate by the Lieutenant Governor, and five members of the House by the Speaker thereof, who shall constitute a committee on investigation to visit the penitentiaries located at Huntsville and Rusk, respectively, and such other places as in their judgment may be necessary, to the end that a thorough investigation of the penitentiary system may be made; providing for the recommendation as to the future employment of convict labor, empowering the committee to summons witnesses and administer oaths in the name of the State, and to employ expert accountants and such other help as needed, their report together with evidence taken to be submitted to the Governor of this State when completed; and providing that said committee may sit in vacation; and making an appropriation therefor, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. That a committee of four Senators be appointed by the Lieutenant Governor, and a committee of five members of the House by appointed by the Speaker, who shall constitute a Committee on Investigation, who shall visit the Huntsville and Rusk penitentiaries, and all other places as in their judgment may be necessary, and are hereby authorized to hold their meetings at such places within this State as they may deem advisable.

SEC. 2. They are hereby instructed to make a thorough and complete examination of the financial conditions of the penitentiary system, employing such help as may be deemed necessary to the end that a full, fair, complete and exhaustive examination be made of the entire penitentiary system covering a period from January 1, 1907, or prior to that time if deemed necessary by the committee, to the present time. The committee is further instructed to make an investigation of the iron industry at Rusk, and in its report, make such recommendations as to the future operation of such iron industry as they believe, after such investigation, would best subserve the State's interests, and especially to recommend whether or not, in their judgment, such industry should be abandoned or its operation continued by the State. Said committee shall investigate the conditions of the said penitentiary and of all farms, camps and trains where convicts are worked or kept, as to the food, clothing, health and treatment of the convicts, and all matters pertaining to their discipline, safe keeping and reformation.

SEC. 3. This committee shall have the power to issue all necessary process to summon witnesses, in the name of the State, to appear before it under oath, swear witnesses summoned before it, and by a majority vote punish for contempt in like manner, to the same extent and under the same rules as a district court, and a record shall be kept of all testimony taken. The committee shall, as soon as appointed by the presiding officers of the Senate and House, respectively, meet and elect one of its members chairman, and the chairman may designate certain members of the committee to visit any or all places in the

State where convicts are detained, said members making an investigation and reporting same to the full committee.

SEC. 4. Said committee shall perform its duties as soon after the adjournment of the Legislature as it may deem practicable, and when its labors have been performed it shall make a written report to the Governor of the State together with all the evidence taken during the investigation.

SEC. 5. The members of this committee shall receive as compensation for their services the sum of five dollars (\$5.00) per day.

SEC. 6. All traveling, hotel, and other necessary expenses of said committee shall be paid out of an appropriation hereinafter provided for. The account of each member must be itemized and approved by the chairman, after which the Comptroller of Accounts is authorized to issue voucher for same.

SEC. 7. The sum of five thousand dollars (\$5000) or so much thereof as may be necessary is hereby appropriated out of any funds in the State Treasury not otherwise appropriated to defray the expense of said investigation.

SEC. 8. The fact that the penitentiary system is one of the most important departments of the State government, involving as it does, the management and control of a large number of convicts, and the annual expenditure of vast sums of money; and that the Governor of Texas in his recent message to the Legislature has recommended that an examination and investigation be made of the management and conduct of the system, to the end, that abuses, if found, may be corrected, and improvements in the methods of the employments of convicts may be provided wherever practicable, creates an emergency and imperative public necessity requiring the suspension of the constitutional rule which requires bills to be read on three several days in each house, and the rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Approved March 20, 1909.

Became a law March 20, 1909.

PENITENTIARIES—ESTABLISHING A NEW SYSTEM.

S. B. No. 10.]

CHAPTER 10.

An Act to establish a prison system and declaring the policy of the State with reference thereto; to provide for the management and control of such prison system; to provide for the control, management and treatment of all prisoners sentenced to the penitentiary; to provide that prisoners and ex-prisoners as herein defined shall be permitted to testify in certain cases; to abolish the leasing and hiring of State prisoners; to provide rules and regulations for the government and conduct of such prison system; to provide for a Board of Prison Commissioners; to provide for their appointment and defining their powers, duties and authority; to provide for the purchase or sale of real estate by the Prison Commission; to vest title of all real estate owned by the prison system; to provide for the appointment of an auditor and prescribing his duties; prescribing penalties for the violation of this Act; repealing Chapters 1, 2, 3, 4, 5, 6, 7 and 8 of Title 79 of the Revised Statutes of 1895, and all laws and parts of laws in conflict with this Act.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. That it shall be the policy of this State in the operation of its prison system to so manage and conduct the same that those convicted of violating the law and sentenced to a term in the penitentiary shall have humane treatment and shall be given opportunity, encouragement and training in the matter of reformation.

SEC. 2. The prison system of this State, as referred to in this Act, shall include the State penitentiary at Huntsville, the State penitentiary at Rusk and such other penitentiaries as may hereafter be established, and all farms or camps where State prisoners are or may be kept or worked, together with all property of every character, belonging thereto or connected therewith.

SEC. 3. It is hereby declared the policy of this State to work all prisoners within the prison walls, and upon farms owned by the State, and in no event shall the labor of a prisoner be sold to any contractor or lessee to work on farms or elsewhere, nor shall any prisoner be worked on any farm or otherwise upon shares, or upon any other farm or place other than that owned or controlled by the State of Texas, after January 1, 1914; provided that all contracts for prison labor, in existence at the time this Act takes effect, shall terminate not later than January 1, 1914, and no contract for any prison labor shall be made which would extend beyond January 1, 1914; provided, further, that the Board of Prison Commissioners shall change from the system of leasing and hiring out of prisoners at the earliest practicable time.

SEC. 4. To better carry out such policy the management and control of the prison system of the State of Texas shall be vested in a board to be known as the Board of Prison Commissioners, and for the purposes of this Act shall be referred to as the Prison Commission. Said Board of Prison Commissioners shall be composed of three men to be appointed by the Governor, with the advice and consent of the Senate, whose term of office shall be two years from date of appointment, except those first appointed under this Act, who shall hold their offices respectively for eight, sixteen and twenty-four months from the date of their appointment and qualification. In the appointment of said

commissioners first to be appointed under this Act, the Governor shall designate the term each one shall hold under such appointment; provided, however, that in the event of a change in the Constitution, extending the term of office of the Prison Commissioners, then the members of said Board of Prison Commissioners then in office shall adjust their terms of office by lot or in conformance with the provisions of such Constitutional amendment without the necessity of further legislative enactment.

SEC. 5. Each member of said commission shall, within ten days after his appointment, execute a bond payable to the Governor of this State and his successors in office for the use of the State in the sum of fifty thousand dollars and conditioned that he will faithfully execute the duties of his office, which said bond shall be executed with two or more good and sufficient sureties, or with some indemnity, fidelity or bonding companies authorized to do business in Texas; the form of which bond shall be prepared by the Attorney General and the sufficiency of the sureties thereon approved by, and the same shall be filed with, the Secretary of State, which said bond shall not be void on the first recovery of part, or of the whole of the penalty, but shall thereafter continue in force for the whole amount of the penalty thereof, and may be sued on from time to time, and shall be deemed to extend to the faithful performance of the duties of his trust, until his successor shall be duly qualified and shall have entered upon the duties of his office. And it shall be the duty of the Attorney General, upon notice of default or failure to perform the duties as contemplated by law by any member of said Prison Commission, to bring suit in any court of competent jurisdiction in Travis county, Texas, for the forfeiture and collection of said bond; and before entering upon the duties of his office, each member of said board shall take and subscribe the oath of office prescribed by the Constitution of this State.

SEC. 6. Each member of the Board of Prison Commissioners shall receive as compensation for his services the sum of three hundred dollars per month, to be paid at the end of each month, and in addition thereto he shall be allowed all reasonable and necessary traveling expenses actually incurred when traveling on business of the prison system, to be paid together with said salary out of the funds of the prison system, all such expense accounts to be itemized and sworn to in duplicate and approved by the Board of Prison Commissioners, or a majority of said board, one copy to be kept with the records of the Board of Prison Commissioners, and one copy to be filed with the Comptroller of Public Accounts. Each member of said Board of Prison Commissioners shall reside at Huntsville, in Walker county, Texas, which is hereby designated as the headquarters of the prison system, and shall be permitted to occupy free of rent the residence houses belonging to the State at Huntsville.

SEC. 7. Each member of said Prison Commission shall devote his entire time to the discharge of the duties of said office, and shall not engage in any other occupation or business during his term of office, nor shall either of the members of said board be directly or indirectly connected with or interested in any contract, sale or purchase of any

property or thing whatsoever which may be made during his term of office and in which either the State or the prison system are interested. And any violation of any of the provisions of this Section of this Act shall be sufficient ground for his removal from office.

SEC. 8. That said Prison Commission shall be vested with the exclusive management and control of the prison system of this State, and shall be held responsible for the proper care, treatment, feeding, clothing and management of the prisoners confined therein, and at all times for the faithful enforcement of the spirit, intent and purpose of the laws and rules governing said system; provided that the Prison Commission shall be held responsible for maltreatment of prisoners, and, if permitted, it shall be grounds for removal from office.

SEC. 9. That said Prison Commission shall have the power to and it shall be their duty to appoint all necessary officers, all physicians, chaplains, teachers, and all clerical help needed in conducting said prison system, including a secretary of the Prison Commission, and they shall require all appointees, who, in discharging their duties, are charged with handling any funds of the system or State, to execute bond in such amount as may be fixed by the Prison Commission, payable to the Prison Commission for the use and benefit of the State, to be conditioned for the faithful performance of their duties.

SEC. 10. A majority of said Prison Commission shall constitute a quorum for the transaction of business. The commissioners shall select one of their number as chairman. They shall designate one member to have supervision over the finances and financial transactions of the prison system, one who shall supervise the feeding, clothing, care and treatment of the prisoners, and one who shall supervise the work of all the officers and employes of the prison system, and who shall also be known and designated as the superintendent of parole, and shall direct the enforcement of any parole law or indeterminate sentence law which may now or hereafter be in force in this State, unless otherwise directed by law. Provided, that the work of each member so designated shall be under the general supervision of and he shall report his actions to the Prison Commission. The provisions of this Section are intended to facilitate the work of the Prison Commission and shall not be construed as relieving the full Board of Prison Commissioners of any authority or general responsibility for the management of the prison system. The Prison Commission shall keep or cause to be kept in a well bound book a minute of the proceedings of all meetings held by them.

SEC. 11. The Prison Commission shall have the authority at all times to discharge any officer or any employe of the prison system for failure to comply with the rules, regulations or laws governing the prison system, or for any dereliction in duty, or whenever they may deem it to be for the best interests of the service.

SEC. 12. The Prison Commission shall have the power to purchase or cause to be purchased with such funds as may be at their disposal, any lands, buildings, machinery, tools or supplies for the benefit of said prison system, and may establish such factories as in their judgment may be practicable and that will afford useful and proper employment to prisoners confined in the State prison, under such regulations, conditions and restrictions as may be deemed best for the welfare of the State

and the prisoners, it being the purpose of this Act to clothe said Board of Prison Commissioners with all power and authority necessary for the proper management of the prison system of this State.

SEC. 13. The Prison Commission shall have power with the approval of the Governor to purchase such land as may, in their judgment, be necessary in the operation of said system, and the employment of prisoners confined in said prison, and in the purchase thereof they may pay such sum in cash as may be agreed upon with the vendor and for the unpaid purchase money to become due upon said land, they shall execute to the vendor notes payable in such sum and at such time as may be agreed upon between the parties, and the payment of which shall be secured by a deed of trust upon such land in the usual form, and containing such covenants as may be agreed upon between the parties, and may pledge a sufficient amount of the net revenues of the property so purchased to pay the deferred installments of purchase money thereon; and it shall be expressly provided in the conveyance to said land, the notes executed for the unpaid purchase money and the deed of trust, that the vendor relies alone upon the lien created by the deed of trust upon said land and the net revenues so pledged, and that no personal liability against the Prison Commission or of the State of Texas shall arise out of said transaction beyond said liens; and the purchase money paid originally as well as the installments paid upon the deferred payments, may be paid out of any funds belonging to said prison system. The title to all lands purchased by the Prison Commission under the terms of this Act shall be examined, passed upon and approved as good and sufficient by the Attorney General, and all conveyances, notes and trust deeds and other instruments executed under the provisions of this Act shall be prepared, passed upon and approved by the Attorney General. The title to all lands so purchased shall vest in the Prison Commission, and their successors in office, as trustees for the State.

SEC. 14. The Prison Commission may buy annually so many acres of land as will, not later than January 1, 1914, or sooner if practicable, enable all prisoners hired out or employed on share or contract farms, and who are not otherwise employed by the State, to be employed directly on farms belonging to the prison system.

SEC. 15. The Prison Commission is authorized, and it shall be its duty, to cause to be constructed upon land now belonging to the prison system, and upon such land as may be bought hereafter, all necessary modern fireproof, well ventilated prison buildings, providing a separate cell or room for each prisoner, as far as conditions and the welfare of the prisoners demand, with proper bathing facilities and all necessary sanitary water closets and other sanitary arrangements within such buildings; also sanitary kitchens, dining rooms, hospitals, school rooms, and chapels, and other necessary conveniences for the benefit of the prisoners. The provisions of this Section shall be carried out to completion as rapidly as is practicable, so that the same shall be completed in the entire prison system within six years from the taking effect of this Act.

SEC. 16. The Prison Commission shall have power to sell and dispose of all farm products and the products of all factories connected with the prison system, and all personal and movable property, at such

prices and on such terms as may be deemed best by them, and they may, with the approval of the Governor, sell or lease any real estate or other fixed property and appurtenances belonging thereto upon such terms as to them seem best, and upon the sale thereof they shall have power to execute proper conveyances to the title thereto, which instruments of conveyance shall be prepared and approved by the Attorney General. The Prison Commission shall in the purchase or sale of all real estate, or in the purchase or sale of any machinery or equipment for the prison system exceeding in value the sum of five thousand dollars, advertise in the manner prescribed by the Prison Commission, for bids for such property in at least three daily papers in this State having a general circulation and shall give all such bids received to the public press at least thirty days before any such contract is let.

SEC. 17. On Monday of each week the Prison Commission shall remit to the State Treasurer all moneys received by them as such from whatever source during the preceding week and belonging to the system. The Treasurer shall hold such fund as bailee for the Prison Commission, which fund shall be known as the Prison Commission Account, and he shall give to the Prison Commission a deposit receipt for same, and shall pay out same on draft drawn by the officer designated by Section 22 of this Act. The Prison Commission is authorized to draw upon the Prison Commission Account with the State Treasurer, such sum or sums of money and at such time or times, as in their judgment may be necessary for the transaction of the business of the system; provided, they shall not draw for a sum that will give them in hand and in bank subject to disbursement a sum in excess of twenty-five thousand dollars; and provided further, the account of the prison system with the State Treasurer shall in no event be overdrawn and in no event shall the State Treasurer ever permit an overdraft against the Prison Commission Account to be paid. On December 1st of each year the State Treasurer shall ascertain the interest earned by the fund belonging to the prison system from the State depositories, and place said sum to the credit of the Prison Commission Account and send deposit receipt to the Prison Commission.

SEC. 18. The Prison Commission may at any time issue such orders and prescribe such rules and regulations for the government of the prison system of this State, not inconsistent with the law, as it may deem proper, or to provide such details not embraced herein, and for such contingencies as may at any time arise concerning the management of the prison system or its proper and effective operation, and such rules and regulations shall be made with a view of carrying out the general principles on which the penal laws are founded, and for which the prison system is established and shall be binding on all underofficers, employes, and all persons whomsoever in any way connected with the State prisons or its management, or its prisoners within and without the walls. The Prison Commission shall have all laws, rules, and regulations of the prison system printed in pamphlet form for the information and guidance of all connected with the management of the prison system, and such parts of said rules as relate to the duties of subordinate officers and prisoners shall be printed in suitable form and posted in conspicuous places about the prison, or wherever prisoners may be confined, for

the information of all concerned. All officers, employes and guards having supervision of prisoners shall be furnished with a copy of the law, rules and regulations governing the prison system and shall give a receipt therefor, and the Prison Commission shall from time to time require examination of such officers, employes and guards as will ascertain their knowledge of such law, rules and regulations, and any such officer, employe or guard, who shall fail to familiarize himself with the law, rules and regulations of the prison system shall be dismissed from the service.

SEC. 19. It shall be the duty of some member or members of the Prison Commission to spend at least one whole day each month, without notice, at each prison, camp or farm where prisoners are kept or worked, and to carefully inspect same with reference to the food, clothing and treatment of the prisoners, the general sanitary conditions existing at such prisons, camps or farms, reporting upon such conditions, the efforts at reformation, the general conduct of all officers and employes connected therewith, and punishment administered for the enforcement of prison discipline, making such reports to the full Board of Prison Commissioners; provided, that the various prisons, camps and farms where prisoners are kept, may be divided for the purpose of this inspection between two or more members of the Prison Commission, or such other person as may be designated by the Prison Commission.

SEC. 20. It shall be the duty of the Prison Commission to make suitable provision and regulation for the safe and speedy transportation of prisoners from counties where sentenced to the penitentiary at Huntsville by the sheriffs of such respective counties if such sheriffs are willing to perform such services as cheaply as said commission can have it done otherwise. Said transportation shall be on State account and in no instance shall the prisoners be carried direct from the county jails to the State farms, but shall first be carried to the penitentiary at Huntsville where the character of labor which each prisoner may reasonably perform shall be determined. Upon the arrival of each prisoner at the penitentiary at Huntsville the Prison Commission shall cause a statement to be made by the prisoner giving a brief history of his life, and showing where he has resided, the names and postoffice addresses of his immediate relatives, and such other facts as will tend to show his past habits and character; and the Prison Commission shall, by correspondence or otherwise, verify or disprove such statements, if practicable, and shall preserve the record and information so obtained for future reference.

SEC. 21. The Prison Commission shall cause to be made annually on the 1st day of January, a full and complete inventory of all lands, buildings, machinery, tools, live stock, and all other property of every description, belonging to the prison system, and shall cause to be set opposite each item, the book value, and also the actual value of the same so as to afford an easy comparison with the previous annual statement. And the Prison Commission shall cause to be kept in the accounting department of the prison system, a system of books, showing a separate account with each industry and farm and for the system as a whole, showing the losses, profits, and net earnings of each industry and farm connected with the system and shall make a report of the

same annually on the 1st day of January, to the Governor, which report shall be published by the Governor in a sufficient number of copies to give general publicity to such report; such report to include the rules and regulations in force for the management of said system and the methods of dealing with the convicts thereof.

SEC. 22. The member of the Prison Commission designated by the board to have supervision over the finances and financial transactions of the prison system shall keep, or cause to be kept, correct and accurate accounts of each and every financial transaction of the prison system, including all receipts and disbursements of every character. He shall receive and receipt for all money paid to the Prison Commission from every source whatsoever, and shall sign all vouchers or warrants authorizing the payment or disbursement of any sum or sums on account of the prison system, and no money shall be paid out on any account of the prison system, except upon a warrant or voucher signed by him. He shall keep full and correct accounts with each industry, department and farm, and with all firms, persons or corporations, having financial transactions with the prison system. He shall have power to require all necessary reports from any department, officer or employe at stated intervals. All deposits of prison funds with banks shall be kept in the name of the officer in his official capacity, and all funds of the prison system shall be kept separate from private funds. Such accountants and clerical assistance as may be necessary to carry out the provisions of this Section shall be provided by the Prison Commission, in order that a full, complete and correct account may be kept of all financial transactions of the prison system. In the absence of such officer one of the other Prison Commissioners may sign such receipts, warrants or vouchers.

SEC. 23. On the taking effect of this Act, and annually thereafter, there shall be appointed by the Comptroller of Public Accounts, the Attorney General and the State Treasurer, a permanent auditor for the prison system, who shall hold his office for a term of one year, subject to discharge at any time as hereinafter provided. It shall be the duty of such auditor to audit all accounts, vouchers, payrolls and all other business transactions of the prison system, and to check all property, material and supplies received and disposed of by or distributed within the prison system, and he shall make a full report thereof to the Governor on the 1st day of January of each year. Such auditor shall be subject to discharge at any time by the Comptroller of Public Accounts, Attorney General and State Treasurer, or by a majority of said officers, for any incompetency, neglect, failure or refusal to discharge the duties of his office or for any wrongful conduct that in the judgment of the Comptroller of Public Accounts, Attorney General and State Treasurer renders him unfitted for said office, and in the case of the discharge or resignation of any auditor another shall be appointed by said officers or a majority of said officers. During the term of his services such accountant shall be paid monthly a salary of two hundred dollars per month and all actual and necessary traveling expenses, to be paid at the end of each month out of any moneys belonging to the prison system, such traveling expenses to be evidenced by an itemized sworn statement by the auditor, filed with the board.

SEC. 24. Each member of the Board of Prison Commissioners in the discharge of his duties is authorized to administer oaths, to summon and examine witnesses, and take such other steps as he deems necessary to ascertain the truth of any matter about which he may have the right to inquire.

SEC. 25. Except for third class prisoners, within a reasonable time and not later than six months after the taking effect of this Act, the Prison Commission shall abolish striped or checked clothes for prisoners, except as a mode of punishment for the violation of prison discipline, substituting therefor some suitable uniform.

SEC. 26. The Prison Commission shall, as soon as practicable, provide at each prison, farm and camp where prisoners are kept or worked, schools for instruction of prisoners in elementary branches of the English language and industrial education and such other instruction as they may prescribe, and shall provide suitable recreation for the prisoners at reasonable hours, including music, and they shall employ such number of competent teachers to instruct the prisoners in the same as in the judgment of the Prison Commission may seem necessary, and the Prison Commission shall make reasonable rules and regulations whereby the prisoners may attend such schools. The Prison Commission shall prescribe and furnish to the prisoners suitable books and other reading matter, and to this end may establish and operate among the prisoners a circulating library and may adopt such other means of distributing among the prisoners good and wholesome literature as in the judgment of the Prison Commission will best enable the prisoners to avail themselves of the same; provided, that all teachers herein provided for shall, as far as practicable, be taken from the convicts, and such teachers may be excused from further labors. The chaplain shall be ex-officio librarian of the penitentiary, passing upon all library books, and direct such other work as may be prescribed for such library management.

SEC. 27. The Prison Commission shall provide for religious services at prisons, farms and camps where prisoners are kept or worked. They shall employ such chaplains as may be necessary to afford all prisoners an opportunity to attend at least two religious services each month, said chaplains to devote their entire time to religious and moral training and education of the prisoners under their care, teaching them the principles and practice of every Christian and moral duty; provided, that chaplains may also be teachers as provided for in this Act.

SEC. 28. If any member of the Board of Prison Commissioners shall be guilty of malfeasance or nonfeasance in office or shall become incapable or unfit to discharge his official duties, or shall willfully fail, refuse or neglect to discharge the duties of his office, such member shall be subject to removal from office as provided by Article 3528, Revised Statutes of 1895.

SEC. 29. The Prison Commission shall, except as provided in this Act, fix the salaries of all officers and employes of the prison system upon such basis as the labor and ability of the officer or employe entitles him to, such salary to be paid monthly at the end of each month. They shall pay to those employed as guards of the convicts a salary of not less than thirty-five dollars per month and furnish them board and

lodging free; provided that for meritorious service and adaptability to the work, the Prison Commission may increase the pay of any guard to an amount not to exceed forty dollars per month. No person shall be employed as a guard to guard convicts who is not at least 21 years of age, of good moral character and who is not able to read and write and has not a fair knowledge of the English language, and the Prison Commission may provide such other qualifications as they may deem expedient; provided, that no person shall be employed as a guard who is in any way addicted to the use of alcoholic or intoxicating liquors, and the Prison Commission shall require all officers and employes connected with the prison system to familiarize themselves with and conform to the rules and regulations and laws governing the prison system of this State; provided, the Prison Commission shall require all officers and employes connected with the prison system of this State to take and subscribe to the oath of office prescribed by the Constitution.

SEC. 30. The Prison Commission shall see that all State prisoners are fed good and wholesome food, properly prepared under wholesome, sanitary conditions and in sufficient quantity and reasonable variety, and they shall hold all underofficers performing this work strictly to account for any failure to carry out this provision. That the food may be properly prepared, the Prison Commission shall provide for the training of prisoners as cooks.

SEC. 31. The Prison Commission shall require at the end of each month reports showing fully the condition and treatment of the prisoners and the changes in the prison population during the month, including itemized statements of all different items of food, clothing and utensils used and on hand in each of the units of the prison system, and such other matters as they may require.

SEC. 32. The Prison Commission shall keep a register of all prisoners belonging to the prison system, showing the number of each prisoner, giving the aliases, name, age, height, color of hair, color of eyes, complexion, marks on person, sex, nativity, residence, county where convicted, offense of which convicted, date of sentence, date of receipt, previous occupation and habits, if known, and may adopt such other means of identification as they may deem proper and necessary. They shall keep a record of the general conditions and conduct of each prisoner, noting all punishments, forfeitures, bad conduct, changes and incidents of importance that may occur during his confinement, and to the end that complete records may be kept, they may require from all underofficers such monthly and other reports as they may deem proper. They shall issue discharges to such prisoners as are entitled thereto by expiration of sentence or otherwise.

SEC. 33. That persons confined in the State prisons of this State may have every opportunity and encouragement for moral reform, it shall be the duty of the Prison Commission in addition to the requirements of this Act, to provide every reasonable and practicable means for the encouragement of such reform. To this end, the Prison Commission shall provide for the classification of all prisoners, separating them into the following classes: In the first class shall be included young men, first offenders, those appearing to be corrigible, or less vicious than others; and likely to observe the laws, and to maintain

themselves by honest industry after their discharge. In the second class shall be included those appearing to be less corrigible, or more vicious, but content to work and reasonably obedient to prison discipline as not to seriously interfere with the productiveness of their labor, or with the labor or conduct of those with whom they may be employed. In the third class shall be included those appearing to be incorrigible or so insubordinate or so vicious in their nature as to seriously interfere with the labor and moral development of those with whom they must come in contact. The Prison Commission shall make rules and regulations for the promotion and reduction of the prisoners from one class to another, and shall transfer them from one class to another from time to time as they may seem to merit promotion or reduction.

The prisoners in each of the classes hereinbefore named shall be kept in or upon different or separate prisons or farms. Any prisoner upon entering the prison system shall be assigned to one of its institutions according to his class, as hereinbefore provided, and shall be entered in said institution in a neutral grade which shall be known as grade No. 2, and in which he shall be furnished with a suitable uniform designated for that grade. The Prison Commission shall adopt rules for a higher grade which shall be known as grade No. 1, as a reward for obedience to prison discipline and good conduct, and shall provide a suitable uniform for this grade; and they shall provide for a lower grade as a punishment for misconduct and violation of prison discipline, which grade shall be known as No. 3, and in which the prisoner shall be clothed in stripes. The uniforms for grades Nos. 1 and 2 shall not be stripes. The Prison Commission shall provide rules for promotion of prisoners from any grade to another for good conduct and obedience to prison discipline, and for demotion of prisoners for misconduct and violation of prison discipline. The Prison Commission shall provide specifically for the extension or denial of privileges for the various grades herein provided.

In order that prison discipline may be enforced, the Prison Commission may adopt such modes of punishment as may be necessary, such punishment being always humane, and placing prisoners in stocks shall be prohibited. Whipping with not exceeding twenty lashes on the bare rump and thighs may be resorted to with prisoners of the third class, who can not be made to observe the rules by milder methods of punishment. The strap to be used must be of leather, not over two and one-half inches wide, and twenty-four inches long, attached to a wooden handle; no convict shall be whipped until same has been authorized by at least two members of the Prison Commission upon their written order, and such order so issued shall be executed only in the presence of a prison physician, and a sworn report shall be made by the officer executing such order to the Penitentiary Commission, who shall keep a record of all such reports in a well bound book to be kept for that purpose, which shall be at all times open to public inspection; and such report so to be made by such officer executing the order of the Prison Commission, shall state the name of the convict whipped, the number of strokes administered, the size of the strap used, the time and place thereof, in whose presence same was done, and the cause thereof. It shall further be the duty of the Prison Commission to

make a semi-annual report of the whipping of convicts to the district judge of the county where such whippings occurred, who shall report same to the grand jury, which is hereby authorized to make investigation thereof, if they deem same advisable. The utmost care must be used by the officer executing the order of the commission not to break the skin of the prisoner whipped, and any person guilty of whipping a prisoner more lashes or other than as provided herein, or striking a prisoner, except in self-defense, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than two hundred and fifty dollars, and imprisoned in the county jail not less than thirty days nor more than six months. White and negro prisoners shall not be worked together when it can be avoided, and shall be kept separate when not at work.

SEC. 34. All female prisoners shall be kept separate and apart from the male prisoners. Where practicable the Prison Commission shall keep the female prisoners upon a separate farm or at a separate prison from the male prisoners, and shall provide reasonable rules and regulations for the government of the same.

SEC. 35. The Prison Commission shall provide such labor for said female prisoners as in their judgment they can reasonably perform, but the prison physician for such female prisoners shall at any time have the authority to say whether the physical condition of said female prisoners is such that they can perform any physical labor; provided, that in the absence of the physician the matron shall pass upon the physical condition of said female prisoners.

SEC. 36. The Prison Commission shall keep the white female prisoners separate and apart from the negro female prisoners, and shall select and place over said female prisoners a matron or matrons, whose duty it shall be to give her personal attention to the welfare of such female prisoners. The matron or matrons so employed to look after the welfare of the female prisoners shall reside at the place where female prisoners are kept.

SEC. 37. At the place where female prisoners are kept none but married men shall be employed as guards, and the houses for such guards and their families shall be provided by the State, in which the families of the guards shall live. And said guards shall be allowed ten dollars per month in addition to his salary in lieu of his board, said houses not to be situated further than one hundred yards from the main prison building where such female prisoners are kept.

SEC. 38. If a female prisoner be received with an infant, or if any child be born in the penitentiary, the child shall be permitted to remain with its mother until three to six years of age, in the discretion of and as prescribed by the Prison Commission.

SEC. 39. Every prisoner who shall become entitled to a diminution of his term of sentence by good conduct shall receive compensation from the earnings of the State prison to the amount of ten cents per day for the time said prisoner is confined in prison; provided, that whenever any prisoner shall forfeit any part of his good time for misconduct or violation of the rules or regulations of the prison, he shall forfeit out of the compensation allowed under this Section twenty-five cents per day for each day of such good time so forfeited; provided,

that when such prisoner has a family or relatives within the second shall be paid semi-annually to such of them as may be designated by the prisoner, but if he have no such dependent relatives, then said saving shall be paid to him upon his discharge from prison. And if he be a life term prisoner such saving may be paid as directed by him, with the approval of the Prison Commission. But if he should die in prison without such dependent relations such saving shall revert to the State.

SEC. 40. No prisoner shall be worked on Sunday except in cases of extreme necessity, and all prisoners so required to work on Sunday shall be paid out of the funds of the prison system the sum of one dollar per day for each Sunday so worked.

SEC. 41. The various provisions of this Act are designed to secure to the prisoners humane treatment, suitable moral instruction, to provide for their health, and to extend to them such comforts and privileges as may be consistent with their situation, and at the same time to require of them a due attention to their various duties and a strict observance of the discipline, rules and regulations of the prison.

SEC. 42. In order to encourage prison discipline a distinction may be made in the treatment of prisoners so as to extend to all such as are orderly, industrious and obedient, comforts and privileges according to their deserts. The rewards to be bestowed on prisoners for good conduct shall consist of such relaxation of strict prison rules and extension of social privileges as may not be inconsistent with proper discipline. Commutation of time for good conduct shall be granted by the Prison Commission, and the following deductions shall be made from the term or terms of sentences when no charge of misconduct has been sustained against a prisoner, viz.: Two days per month off the first year of sentence; three days per month off the second year of sentence; four days per month off the third year of sentence; five days per month off the fourth year of sentence; six days per month off the fifth year of sentence; seven days per month off the sixth year of sentence; eight days per month off the seventh year of sentence; nine days per month off the eighth year of sentence; ten days per month off the ninth year of sentence; fifteen days per month off the tenth year, and all succeeding years of sentence. A prisoner under two or more cumulative sentences shall be allowed commutation as if they were all one sentence. For each sustained charge of misconduct in violation of any rule known to the prisoner in any year of the term the commutation allowed for one month of such year may be forfeited, for any sustained charge of escape or attempt to escape, mutinous conduct or other serious misconduct, all the commutation which shall have accrued in favor of the prisoner up to that day shall be forfeited, unless in case of escape, the prisoner voluntarily returns without expense to the State, such forfeiture may be set aside by the Prison Commission. For extra meritorious conduct on the part of any prisoner, he shall be recommended to the favorable consideration of the Governor for increased commutation or pardon, and in the case of any prisoner who shall have escaped and been captured, part or all of his good time thereby forfeited may be restored by the Prison Commission, if in their judgment his subsequent conduct entitles him thereto.

SEC. 43. Hereafter life or long term prisoners who have actually served fifteen years and have no sustained charges of misconduct and have a good prison record, and who shall be favorably recommended to the Governor, may receive at the hands of the Governor a reasonable commutation of sentence, and if a life sentence is commuted to a term of years, then such convict shall have the benefit of the ordinary commutation, as if originally sentenced for a term of years, except the Governor shall otherwise direct.

SEC. 44. Suitable clothing of substantial material, uniform make and reasonable fit, and such footwear as will be substantial and comfortable shall be furnished the prisoners, and no prisoner shall be allowed to wear other clothing than that furnished by the prison authorities, except in case of extra meritorious conduct only, the Prison Commission may allow the prisoners to wear citizen underwear. Sufficient food of wholesome quality and variety and wholesomely prepared shall be furnished to all, and such provisions shall be made for serving the food to prisoners as will tend to encourage and elevate them. It shall be the duty of every officer charged with the preparation and serving of food to the prisoners to post in the dining room each Monday morning for the coming week the bill of fare for that week, and the rules promulgated by the Prison Commission shall prescribe the quality, kind and variety of food to be furnished. Prisoners shall not be allowed spirituous, vinous or malt liquors, except upon the prescription of the physician.

SEC. 45. Prisoners shall be kept at work under such rules and regulations as may be adopted by the Prison Commission; provided, that no prisoner shall be required to work more than ten hours per day, except in case of an extreme and unavoidable emergency, which time shall include the time spent in going to and returning from their work, but not to include the intermission for dinner, which shall not be less than one hour. And in case of such extreme and unavoidable emergency, said prisoner shall receive out of the funds of the prison system the sum of ten cents per hour for such work so performed more than ten hours per day. In going to and returning from work prisoners shall not be required to travel faster than a walk. No greater amount of labor shall be required of any prisoner than his physical health and strength will reasonably permit, nor shall any prisoner be placed at such labor as the prison physician may pronounce him unable to perform. No prisoner upon his admission to the prison shall be assigned to any labor until first having been examined by the prison physician. Any officer or employe violating any provision of this Section shall be dismissed from the service.

SEC. 46. Prisoners who have been reported by the physician or other officer in charge as in a condition of health which requires their removal to some other place, shall be accordingly removed.

SEC. 47. Prisoners when received into the penitentiary shall be carefully searched. If money be found on the person of the prisoner, or received by him at any time, it shall be taken in charge by the Prison Commission and placed to the prisoner's credit, and expended for the prisoner's benefit on his written order, and under such restrictions as may be prescribed by law or the rules. Any officer or employe

having charge of a prisoner's money who misappropriates the same or any part thereof, shall be deemed guilty of a felony and upon conviction thereof shall be confined in the penitentiary for a term of not more than five years.

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SEC. 48. If any prisoner shall die while in prison, the officer in charge of the prisoner at the time of his death shall immediately report the same to the Prison Commission, and, if he knows the address or place of residence of any relative within the third degree, either by consanguinity or affinity, shall also notify by wire said relative of the death of such prisoner, and if the relative of such prisoner claim the body or will take charge of same, then the body of such prisoner shall be turned over to such relative, and the expense of shipping the body to where it is to be buried, provided it is within this State, shall be paid by the Prison Commission out of any available penitentiary funds on hand upon the request of such relative. If the residence and address of the relative of such prisoner is unknown, such prisoner shall be decently buried in citizen's clothes, and the grave marked by a stone with the name of said prisoner, date of death and age, if known, inscribed thereon. If the body of such prisoner is not claimed by the relatives, the Prison Commission shall at once notify the county judge of the county from which the prisoner was sentenced of his death, the date and cause of death and place of burial. The Prison Commission shall cause to be made and kept a record of the deaths of prisoners, and certified copies of same made by the custodian thereof shall be admissible in evidence under the rules of law applying to official records. Any officer or employe of the prison system of whom any duties are required by this Section, who shall fail to discharge such duties, shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding five hundred dollars.

SEC. 49. The Prison Commission, or other person in charge of prisoners, upon the death of any prisoner under their care and control, shall at once notify the nearest justice of the peace of the county in which said prisoner died, of the death of said prisoner, and it shall be the duty of such justice of the peace, when so notified of the death of such prisoner, to go in person and make a personal examination of the body of such prisoner, and inquire into the cause of the death of such prisoner, and said justice of the peace shall reduce to writing the evidence taken during such inquest and shall furnish a copy of the same to the Prison Commission and a copy of the same to the district judge of the county in which said prisoner died, and the copy so furnished to said district judge shall be turned over by the district judge to the succeeding grand jury, and the said judge shall charge the grand jury, if there should be any suspicion of wrong doing shown by the inquest papers, to thoroughly investigate the cause of such death. Any officer or employe of the prison system having charge of any prisoner at the time of the death of such prisoner, who shall fail to immediately notify a justice of the peace of the death of such prisoner, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, and by confinement in the county jail not less than sixty days nor more than one year; provided, that the justice of the peace making

such examination shall be paid a fee as is now provided by law for holding inquests, said fee to be on sworn account therefor approved by the Prison Commission.

SEC. 50. The Prison Commission shall provide for competent medical attention for all prisoners, and shall establish rules whereby all physicians shall be required to keep a record of all cases of sickness, accident or injury which they treat. The physicians so employed shall be reputable practicing physicians of not less than two years of experience in practice. Each physician employed in the prison system shall at the end of each month file with the Prison Commission a report in writing, subscribed and sworn to by him, which report shall state the names, race and sex of each prisoner treated, or examined by him during said month, the malady or disease with which each was afflicted, and if any shall be suffering with wounds or injuries inflicted by accident or some individual, he shall state the nature and extent of said injuries, by whom and by what means inflicted, or how the same occurred, and all such other information concerning said matters, and the condition of each prisoner treated or examined by him during said months, as he may possess; provided further, that for a failure to make such a report or any false statement knowingly made by any such physician in any such reports he shall be prosecuted for the offense of perjury or false swearing, as provided by law.

SEC. 51. The Prison Commission shall also provide a competent dentist or dentists whose duty it shall be to care for the teeth of the prisoners. Such dentist or dentists shall at the direction of the Prison Commission visit the various places where prisoners are kept or worked, at such intervals as may be prescribed.

SEC. 52. When a prisoner is entitled to a discharge from prison he shall be furnished with a written or printed discharge from the Prison Commission, with seal affixed, signed by the chairman of the Board of Prison Commissioners, giving prisoner's name, date of sentence, from what county sentenced, amount of commutation received, if any, the trade he has learned, if any, his proficiency in same, and such other description as may be practicable. He shall be furnished with a decent outfit of citizen's clothing of good quality and fit, two suits of underwear, five dollars in money in addition to any money held to his credit and unredeemable and non-transferable railroad transportation to the nearest depot from whence sentenced, but, if such prisoner prefers, he may receive such transportation to any point in this State designated by him.

SEC. 53. The Governor, and all other members of the executive and judicial departments of the State, and members of the Legislature, shall be admitted into the prisons, camps and other places where prisoners are kept or worked, at all proper hours, for the purpose of observing the conduct thereof, and may hold conversation with the convicts, apart from all prison officers. Other persons may visit the penitentiary under such rules and regulations as may be established.

SEC. 54. The Prison Commission, with the Governor's approval, may offer such reward for the apprehension of an escaped prisoner, as may be fixed by the Prison Commission and to be paid as directed by the Prison Commission.

SEC. 55. Any officer or employe of the prison system who shall fraudulently convert to his own use and benefit any food, clothing, or other property belonging to or under control of the prison system, shall be guilty of theft and upon conviction be punished as prescribed by law.

SEC. 56. Any officer, agent or employe in any capacity connected with the prison system of this State, who shall be financially interested either directly or indirectly in any contract for the furnishing of supplies or property to the prison system, of the purchase of supplies or property for the prison system, or who shall be financially interested in any contract to which said prison system is a party or who shall knowingly and fraudulently sell or dispose of any property belonging to said prison system below its reasonable market value, or who shall be financially interested in any other transaction connected with the prison system, shall be guilty of a felony, and upon conviction thereof shall be punished by confinement in the State penitentiary for a term of not less than two years nor more than five years, and each transaction shall constitute a separate offense.

SEC. 57. Any sergeant, guard or other officer or employe of the prison system of this State, who shall inflict any punishment upon a prisoner not authorized by the rules of the prison system, shall be guilty of an assault and upon conviction thereof shall be punished as prescribed by law, and it shall be the duty of the Prison Commission to make complaint before the proper officer of any county in which such assault was committed upon such prisoner. Provided that in all cases where any person is charged by complaint or indictment with an offense against a prisoner, prisoners and ex-prisoners shall be permitted to testify.

SEC. 58. No gambling shall be permitted at any prison, farm or camp where prisoners are kept or worked. Any officer or employe engaging in or knowingly permitting gambling at any such prison, farm or camp shall be immediately dismissed from the service.

SEC. 59. The Prison Commission shall provide a seal whereon shall be engraved in the center a star of five points and the words "Board of Prison Commissioners of Texas" around the margin, which seal shall be used to attest all official acts.

SEC. 60. The Prison Commission by, and with the consent of the Governor, shall have the power to work convicts on public works, when they can not employ them on the State farms or within the walls by reason of some unforeseen calamity, such as failure of crops, or the destruction of crops by wind or flood. When convicts are worked on public works owned by the State or a subdivision of the State, the humane provisions of this Act shall be strictly complied with.

SEC. 61. Chapters 1, 2, 3, 4, 5, 6, 7 and 8, Title 79 of the Revised Statutes of 1895, relating to penitentiaries and their management, and all laws and parts of laws in conflict herewith are hereby repealed.

SEC. 62. In view of the fact that the terms of office of the Superintendent, the Assistant Superintendent and the Financial Agent of the penitentiary system do not expire until about January 20, 1911, and the further fact that the penitentiary system is a large business enterprise and to make the changes in the management thereof provided in this Act will require some time, and the further fact that the crops

grown upon the State farms are now being harvested, and the harvesting thereof will not be completed before January next, it is deemed expedient that this Act shall take effect January 20, 1911, and not before, and it is so enacted.

SEC. 63. If any provision, or provisions, of this Act shall be held invalid the remaining provisions shall not be affected thereby but the same shall be given full force and effect.

I hereby certify that S. B. No. 10 was passed by the Senate on Sept. 2, 1910, by the following vote, yeas 22, nays 7. The House on Sept. 6, 1910, during passage, substituted the House bill for same, making the bill a House substitute for S. B. No. 10. The bill as substituted was returned to the Senate. The Senate refused to concur in House amendments and requested a Free Conference Committee, and a committee was appointed. Later on Sept. 6, 1910, the Senate rescinded the vote by which the "amendments were not concurred in, and a Free Conference Committee requested." Under Senate rule No. 34, the bill on Sept. 6, was referred to a committee, reported favorably with amendments, and passed under suspension of the rules by two-thirds vote, yeas 22, nays 0. On Sept. 7, 1910, the House refused to concur in Senate amendments, and requested a Free Conference Committee. The request was granted, and a committee appointed. The Free Conference Committee report was made and adopted by the Senate on Sept. 9, 1910, by two-thirds vote, yeas 22, nays 1.

CLYDE D. SMITH,
Secretary of the Senate.

I hereby certify that S. B. No. 10 was passed by the House, with amendments, on Sept. 6, 1910, by the following vote, yeas 76, nays 12. The House granted request of Senate for appointment of Free Conference Committee on September 6, 1910. On September 7, 1910, House recalled its message and refused to concur in Senate amendments, and requested the appointment of a Free Conference Committee, which request was granted. House adopted report of Free Conference Committee on September 9, 1910.

BOB BARKER,
Chief Clerk of the House.

Approved September 17, 1910.

Section 62 of the foregoing Act provides that said Act shall take effect January 20, 1911.

RESOLUTION AUTHORIZING PRINTING OF REPORT OF THE PENITENTIARY INVESTIGATING COMMITTEE.

Adopted by the House of Representatives August 18, 1910.

Whereas, The Governor of Texas has submitted for our consideration certain reforms of the penitentiary system; and

Whereas, The Investigating Committee of the Thirty-first Legislature has taken much testimony that would be of benefit to the members of this House in the consideration of the penitentiary reforms; therefore be it

Resolved, That 500 copies of the testimony and reports of such committee be printed for the use of the members of the House, and the cost of same shall be paid out of the contingent funds of the House of Representatives; provided, that the public printer shall print and furnish 150 copies as rapidly as possible in installments of 50 pages, more or less, as can be most conveniently done. This publication to be done under the immediate direction of the Committee on Public Printing of the House, the remaining 350 copies to be bound in substantial binding when completed, and equally distributed among the members of the House.

AMENDMENT ADOPTED AUGUST 23, 1910.

PRINTING EXTRA COPIES OF PENITENTIARY TESTIMONY.

Mr. Crawford offered the following resolution:

Resolved, That fifty extra copies of the testimony of the witnesses taken before the Penitentiary Investigating Committee be printed in pamphlet form for the benefit of the Senate.

TERRELL of Bexar.
CRAWFORD,

The resolution was read the second time.

Question—Shall the resolution be adopted?

Mr. Kennedy offered the following amendment to the resolution:

Amend the original resolution providing for the printing of the penitentiary testimony and report so as to provide for the printing of 200 copies daily instead of 150.

The amendment was adopted.

The resolution, as amended, was adopted.

LETTER OF TRANSMITTAL FROM CHAIRMAN.

Austin, Texas, November 24, 1909.

Hon. Thomas M. Campbell, Governor of Texas.

Sir: The committee appointed by virtue of Chapter 105 of the Acts of the Thirty-first Legislature, and in accordance with the requirements of said act, begs to submit the following report. The committee begs to advise you that it deemed it necessary to have the books and accounts of the entire penitentiary system audited for a period of eight years, and as the firm of auditors employed to do this work has not yet completed its labors, the committee can not at this time include a report on the general financial conditions of the system nor of the iron industry, as required by the law under which the committee is working, but will furnish you at a later day a report on these items, and will at the same time transmit to you a copy of all the testimony taken.

The committee has the honor to submit herewith, in addition to a report of its findings, certain recommendations which it believes come within the scope of its duties.

Respectfully submitted,

C. E. GILMORE,
Chairman.

REPORT

OF THE

PENITENTIARY INVESTIGATING COMMITTEE.

(Created by virtue of Chapter 105 of the Acts of the Thirty-first Legislature.)

To Hon. Thomas M. Campbell, Governor of Texas:

In obedience to the Act of the Thirty-first Legislature creating this committee, the members constituting the same met in Austin, Texas, July 15, 1909, and organized by electing Hon. C. E. Gilmore chairman, and Hon. F. C. Weinert vice chairman of the committee. The committee entered at once upon its labors and at intervals since that date has pursued its work, trying at all times to follow the scope of its duty as prescribed by the law creating it. We have made diligent inquiry into all matters which we felt warranted the attention of the committee.

Having visited and carefully inspected and investigated, either as a committee of the whole or by subcommittees, duly appointed as provided by law, every prison, farm and camp in this State where convicts are kept or worked, we find that the following conditions exist as to the food, clothing, health and treatment of the convicts, their discipline, safe-keeping and reformation. As is well known to all the people, our penitentiary laws and system during its existence have been far from perfect, and to that imperfection doubtless is due at least in a measure many of the abuses which exist. For the past several years our investigation shows that there have been improvements in some respects, which is manifested perhaps more in the matter of food furnished. It is but fair and just to say that the improvements both as to food and general conditions have been continued, according to the testimony of the convicts themselves, up to this time, yet we find many abuses still existing.

The rules adopted by the Penitentiary Board, with authority of law, for the government and discipline of the Texas State penitentiaries, all its officers and employes, and all the convicts belonging thereto, have in many important respects been almost wholly ignored. But few of those charged with the care and management of convicts are familiar with the rules, either as to their own duties or the rules governing the conduct of convicts.

But few of the sergeants, guards, watchmen and other officers have taken the oath as required by the rules.

In but few instances have the rules been posted in prison buildings, as specifically required by the rules, thus depriving the convicts of an opportunity to know the rules they are expected to obey. In some instances, we found sergeants who displayed no apparent inclination to obey the rules, and in one case the sergeant declared he would pursue his usual habit, irrespective of rules, and use his own illegal strap.

The rule fixing the size of the strap which may be used in punishing convicts has been wholly ignored and convicts have been punished at every camp, with possibly one exception, with straps greatly exceeding in size that prescribed by the rules, to wit: "A leather strap about two and one-half inches wide and two feet long, fastened to a wooden handle," but we found straps from four feet to more than five feet in length, and from three to four inches in width, and in most instances the straps have been constructed upon the order of the sergeants at their own expense and of such size and ply as their fancy and brutal inclinations might dictate. We find that in a great many instances the provision of the rules requiring that the skin be not broken has been ignored, as the committee, by personal inspection and from evidence fully corroborated,

found many men with scars upon their persons, often many on the same body, indicating the most reckless and inhuman use of the strap. We have found but rare instances where those guilty of thus using the lash have been punished, and then only by being discharged from the service.

The rules regulating and prescribing the modes of punishment for the violation of rules and the enforcement of prison discipline are, except as to the prisons at Huntsville and Rusk, largely ignored, and whipping, which is a punishment allowed under the rules and by the statutes only after all other modes of punishment have been tried and failed to bring the offender to terms, is practically the only method of punishment resorted to. But at Rusk there was evidence before us to show one of the most prominent officers being guilty of wantonly knocking down a half-witted negro convict with his heavy walking stick for not removing his hat in the presence of said officer. The rules and the law require that before punishment by the strap is administered a written order must be obtained from the superintendent, assistant superintendent or inspector, the application stating the offense for which the punishment is to be administered and also what other means of punishment have been tried. We have not found any instance of recent date where this rule has been violated, though from testimony of superior officers, as well as from the testimony of convicts, this doubtless has been violated at other times.

The rules forbid gambling in all places where convicts are kept. This rule, except as to the prisons at Huntsville and Rusk, is wholly ignored. On practically all the outside camps the convicts are permitted to gamble at will. In most instances, Saturday night and Sunday are given over to gambling by the convicts without any restrictions whatever by the officers in charge. In many of the camps are young men under twenty-one years of age serving short sentences.

Chapter 4, Article 3682, of the Revised Statutes, providing for furnishing medical attention to convicts, has been and is being properly observed at the Huntsville and Rusk prisons. The hospitals at each of these prisons are in good sanitary condition and properly equipped as to beds, hospital kitchens, and surgical and medical supplies. The condition in which they are kept does great credit to the physicians in charge of them. On some of the outside camps we find fair hospital arrangements, in some few instances they being extra good. Some of the physicians assigned to the outside camps are using their best endeavors to give to the convicts the best possible service, but on most of the outside camps we find no hospital record kept, as is provided by the rules and the statutes. In some instances the physician resides some miles from the camp assigned to him, and in one instance a physician has assigned to his care more than nine hundred convicts, situated on eight different camps, and this physician resides about four miles from the camp nearest his residence.

In Article 3675 of the Revised Statutes, authority by law is given for the appointment of two inspectors, whose duties are plainly and specifically stated. We find in the rules, regulations and by-laws for the government and discipline of the Texas State penitentiaries the duties of the inspector clearly enunciated in mandatory language. In many instances flagrant violations of the rules have been reported, and the uncontradicted testimony of the convicts has been corroborated by the statements of the inspectors themselves. We find in this respect that the rules emphatically state that the inspector shall visit at least once in each month, and oftener if required by the Superintendent or the Penitentiary Board, each convict camp or place of employment of convicts that may be assigned to his division, and shall devote at least one day to the thorough inspection of each camp and the convicts belonging thereto, not to include time consumed in traveling. The intentment of this rule is so obviously direct and plain that not even an inspector should err therein, and the ruthless disregard of this command can not be excused. From the testimony of the inspectors themselves, as well as by their monthly reports to the Superintendent of Penitentiaries, we find that each inspector has frequently visited more than one, and one inspector as many as five camps, in one day, in absolute disregard of the plain command of the rules. The inspectors upon their own testimony, corroborated by the convicts, usually examine convicts in the presence of the entire force assembled, thereby hindering a full and free and untrammelled

statement as to the complaints of any individual. We find that many of the convicts refrain from stating their personal complaints in the presence of other convicts on account of the fear that some of the other convicts might report or pervert their testimony to a sergeant, guard, or other official, and the convict thus complaining would suffer the consequences. We find that the inspectors needs must have seen the unsanitary condition of many camps. In many instances they have made no effort to benefit conditions, for if it is true that by their works ye shall know them they would surely have left some visible effect. From the reports of the inspectors examined, we find but rare instances of complaint of unsanitary conditions existing. From the testimony of convicts, corroborated by physical facts, the inspectors have been grossly negligent in not preventing abuses with the strap, and the fact that they might plead no knowledge of inhuman or atrocious whippings is no excuse, for this knowledge could have been easily procured if they had but dropped the trousers and raised the shirts and looked upon the recently healed wounds, and then heeded the divine admonition of "he that hath eyes to see, let him see." The inspectors have not guarded with that painstaking diligence that is incumbent upon them the health and comfort of the prisoners, and there have been instances in the jurisdiction of each when convicts have been abused, if inordinate and cruel whippings be an abuse—whippings where the back was lacerated, a mute attestation of "man's inhumanity to man." We find that in many instances there has been an almost total disregard of the comfort of the men in that sufficient clothing has not been furnished; in fact, in rare instances the clothing being inadequate on account of rents and tears occasioned by long usage to guarantee that demand of the law that there shall be no indecent exposure of person. Be it said, however, to the credit of the inspector of the southern district, that the evidence shows that he has made several complaints about unsanitary and unsafe conditions and other needed reforms, of which it appears his superiors have taken little heed.

The rules requiring single mattresses for each convict have been in many instances disregarded, and that very wise and healthful provision requiring that sheets be changed once a week, in many camps, both State and others, have been overlooked, evincing either ignorance or a disregard of that trite but ever to be remembered saying, "that cleanliness is next to godliness."

In some instances, the farms and places where convicts are kept, both State and private ownership, bear the earmark and plainly show an enforcement of the rules even to the letter of the law by the inspectors and sergeants from a sanitary standpoint, the camps presenting a neat, cleanly and healthful appearance.

SANITATION.

We find the Huntsville prison fairly well kept, considering the antiquated construction of the buildings and cells. The ventilation of the buildings and cells is not what it should be, on account of the character of the buildings, and the lack of a proper sewerage system necessitates the use of buckets in the cells, a practice discarded by modern prisons. The cells have been equipped with electric lights within the last three years, adding to the comfort of the men. The cells are furnished with wooden beds, which afford an opportunity for vermin to hide and breed. The bedding is clean and fairly comfortable. The bathing facilities consist of shower baths with sanitary surroundings, but inadequate for the number of men.

The prison buildings at Rusk are in bad condition and much in need of repair. The ventilation is not sufficient, on account of the character of the buildings, and the bucket system is in use, there being no sewerage system. The cells are equipped with electric lights, and are furnished with wooden beds and other wooden furniture, which harbor insects. Much of the bedding was unclean and general conditions faulty and unsanitary. Bathing facilities consist of bath tubs and shower baths, the facilities being inadequate, however, for the number of men confined in this prison. And all the buildings and the grounds, except the flower yard, showed a dirty condition from neglect and want of care, while the cow barns are a mere rookery, and totally unfit for any purpose. Fences around residences, the property of the State, have been

permitted to fall down, and the property generally bears a bad appearance for want of care and attention.

On the State farm at Harlem, sanitary closets have been installed and concrete pools with shower baths in the building furnish bathing facilities of a sanitary nature, but the main prison building is overcrowded. At camp No. 1 on the Imperial State farm, sanitary conditions prevail, but on camp No. 2 of the Imperial farm the sanitary conditions are very poor; in fact, the conditions are very unsanitary and nauseating. This camp, we were advised, was soon to be removed to new quarters. At the Ramsey State farm, the sanitary conditions are fairly good. The building is equipped with sanitary closets and cement pools for bathing. Clemens State farm, camp No. 1, is in splendid sanitary condition. The building is new, and is equipped with sanitary closets, and with cement pools for bathing. At camp No. 2, on this farm, sanitary conditions are not so good. There is the cement bathing pool, but no sanitary closets, and the building does not indicate as careful attention as might be given it as to cleanliness. At camp No. 3, the building is not on State property and does not belong to the State. The building is in bad condition and without any sanitary conveniences. The sanitary conditions at what is known as the Sugarhouse camp, where a force is kept during sugar-rolling season, are fair, there being cement bathing pools, and the building appeared to be in fair condition. On all four of the State farms deep wells supply an abundance of pure water, which is piped direct into the buildings.

The committee found the sanitary conditions on the contract and share farms generally unsatisfactory, except in a few notable cases. Especially did we find the bathing facilities so inadequate as to be, in many instances, absolutely repulsive. As a rule, the men at these outside forces take their weekly baths in tubs or troughs in the open air, summer and winter alike, many men using the same water in which to bathe their persons. At one camp the committee found that the water for bathing was taken from a pond, the water being muddy and the wallowing place for hogs. On every camp we found men afflicted with diseases which are contagious, yet the well are required to bathe in the same water with the diseased, some of whom are in a condition which would make contraction of the disease easily possible. In no instance are the men furnished with towels with which to dry their bodies after bathing. In some cases we found the buildings on the outside camps too small for the forces housed therein, thus creating unsanitary surroundings.

FOOD.

We find the rules substantially complied with in most instances as to food supplied to the convicts. It appears from the testimony of convicts that as a rule they have an abundance of such food as is furnished, and from the testimony of officials we learn that instructions to those charged with the direct issuing of the food and the preparation of it are to spare no effort to furnish plenty of wholesome food. There are a few complaints, as there doubtless would be under any condition, of the lack of quantity, though these complaints are few, but we do find many complaints as to the preparation of the food, due to inexperience, and possibly sometimes to indifference, on the part of the cooks. Cooks are usually obtained from among the convicts, oftentimes being men inexperienced as such, at which times, naturally, those who eat the food must suffer. Any failure to provide an abundance of food properly prepared must rest directly upon the sergeants in charge of the camps, since they are clothed with full authority to issue the necessary amount of food that there may be plenty, but it is also incumbent upon them to see daily that it is properly and wholesomely prepared. Complaint has been made particularly as to the preparation of the meat and bread in a great many instances, and from personal inspection we found these complaints were often well founded. At many camps, the convicts complained that the meat was so fat that they could not eat it. The kitchens in which the food for the convicts is prepared are usually a short distance from the camp buildings. As a rule, we found these kitchens in a fair sanitary condition, but in many cases not screened. In practically all outside camps, the dining rooms are latticed on one side,

exposing the men to the cold of winter, without any means of heating the rooms, nor are these dining rooms, as a rule, screened. At the outside camps, as well as at the two penitentiaries, the men eat their meals from tin plates and drink out of tin cups. Especially at the outside camps, these plates were not always found as clean as they should be. At no other places than Huntsville and Rusk are the convicts supplied with any milk or butter, except in some instances for hospital patients.

CLOTHING.

The outer clothing worn by the convicts is made from coarse striped goods manufactured at the Huntsville prison. Two suits of underwear purchased elsewhere and two pairs of socks, manufactured in the Huntsville prison, are furnished the convicts each year. A portion of the underwear this year was made at the Huntsville prison. No underwear or socks are furnished during the summer months. In most instances, the clothing is changed and washed every week, but at a number of the camps no provision is made for separating the clothing, each convict getting back whatever suit he can. At a few of the camps provision is made to identify each man's clothing and he gets back his own suit after it has been washed. Generally, little attention is paid to fitting the clothing on the men, which results in some small men getting suits much too large for them, and some large men getting suits uncomfortably small. While the clothing is supposed to be furnished in abundance, many suits, buttonless, torn and ragged from long and rough usage, were noted upon the men. Under-officials in direct charge of forces testify that some convicts show a willful disposition to be as destructive with their clothing as possible. Convicts are permitted to purchase their own underclothing, shoes and socks with their own money when they so desire. On the sugar farms, the men are furnished with short slickers during bad weather while harvesting the cane crops, and in one case we found the men furnished with water-proof trousers. Heavy brogan shoes, manufactured at the Huntsville prison, are furnished. As a general rule, convicts may draw a pair of new shoes every three months. The shoes are heavy and coarse, and necessarily hard on the feet, from which we find much complaint. No boots are furnished, even when convicts are forced to work in mud and water. Many sergeants gave it as their opinion that the shoes should be of better grade, with more regard for the comfort of those who must wear them. This change would be a most humane one, and, if considered from a purely commercial standpoint, would be wise.

The women convicts are provided with clothing made from the same material as the convict suits for men. The skirts are short, striking the wearers just below the knees. They are also permitted to provide their underclothing if they so desire. Shoes for the women are manufactured at the Huntsville prison.

LOCATION OF CAMPS.

We find the convict forces scattered over a large territory in this State, which necessarily makes the expense of inspecting and superintending, and the transfer of men from one camp or prison to another, very great. The constant shifting of the forces from prison to camp, and from one camp to another, seriously hinders discipline, making it hard both for the convicts and the men in charge of them. Convicts, coming under the care of a new sergeant, and being unfamiliar with his particular management and temperament, are unable, even if so inclined, to always meet the requirements of prison discipline. Sergeants are unable, with constant additions to and changes in their forces, to always thoroughly understand the temperament of the men under their care, and are thus unable to secure the best results in their control and management. The large number of camps, necessitating the employment of an equally large number of sergeants, with authority to punish, and necessarily with widely differing ideas as to the handling of men, works a serious hardship on the penitentiary system.

In many instances, prisoners are carried direct from the jails of the State to the outside camps and put to work at an occupation to which, often, they

are not accustomed. Evidence before this committee has revealed instances where these new men were put to work with squads accustomed to such labor, and have been physically unable to perform their tasks, and there is no doubt but the consequence has often been serious. In but few instances have the men sent direct from the jails to outside camps been physically examined by physicians before being assigned to work to ascertain if they were physically able to undergo the tax upon their strength. These new men are often afflicted with venereal diseases and emaciated from their confinement in the county jails.

LABOR.

The rules prescribe the hours of labor, varying at different periods of the year. At Huntsville, where the men are employed in the various industries, the hours, according to testimony of officials in charge, vary from about seven to ten. At Rusk, the testimony of officials is to the effect that they try there to average about ten hours per day. At the Huntsville penitentiary, the labor includes employment in the various industries—furniture factory, engine and boiler shops, cotton factory, wagon factory, foundry, etc. At Rusk, the iron industry, including the mining of the ore, operation of the blast furnace and pipe foundry, machine shop, the making of sash weights, etc., furnishes occupation for such convicts as are kept at this prison. It has been the custom during the harvest season to draw upon the forces engaged at these industries to assist in handling the sugar crop. This practice has brought complaint from managers of the industries, since many of the trained men taken from the various departments are not returned to their former tasks, which not only hinders the operation of the industries during the cane harvesting season, but requires the training of new men for the places made vacant by those removed.

On practically all farms, the men are taken from the buildings as early in the morning as the guards can see to guard them and prevent their escape, and are returned to the buildings for the day between sundown and dark. About an hour is usually allowed for dinner, whether eaten on the turn-rows or in the buildings. In the summer, more time for rest is allowed at noon, varying according to the ideas of the sergeant and the condition of the crops. Much complaint is made by the men as to excessive work required and the abuse by guards who have direct charge of the men in the fields, as well as abuse by some of the sergeants. Testimony was adduced to the fact that excessive work and general bad treatment make a wreck of many strong men in a few years, and when they leave the penitentiary they are in many instances unfit for manual labor. Corroborated testimony of convicts show instances of brutal treatment by guards, the convicts fearing to report such treatment to superior officers lest the guards wreak vengeance upon them when further opportunity is afforded by the isolation of the fields. Evidence of convicts and admissions by sergeants and guards furnish proof that the convicts are often cursed and abused by some of these officers, epithets being applied that are so vile and offensive as to be unfit for print. The white men, almost without exception, and a large number of the negro convicts, greatly prefer to be within the walls rather than upon the farms, because of the better conditions existing within the walls. Comparing the walls with the farms, one convict, who has had ample experience on both, said the walls were as far ahead of the farms from a convict standpoint as a fine hotel is ahead of a cheap restaurant. In many instances in the past, the men have been run to and from their work, the distance sometimes being from one to three miles, and while at work they have often been pushed excessively.

There is now one force of men engaged in working in lignite mines at Calvert, Texas, and the committee found conditions there, both as to the mine and the treatment of the men from a sanitary standpoint by those charged with the duty of caring for them so unsatisfactory that a recommendation advising the cancellation of the contract by November 15 has hitherto been adopted by this committee and forwarded to the proper authorities, but so far as we have been advised, and so far as the minutes of the Penitentiary Board show, our recommendation has been absolutely ignored, notwithstanding the fact that members of this committee walked as best they could through the various passages of this

mine, through mud and water a portion of the way, examining same carefully and minutely. After observing these conditions, ascertaining the hospital record, taking the testimony of officials and convicts and noting many unsanitary conditions, the committee came to the deliberate conclusion that the State of Texas has no moral right to put the convicts of the State there to work, and in this connection the present Superintendent testified that he opposed working convicts in coal mines. The committee did not undertake to say that this mine was worse than other mines, but it did complain of the mud and water in that mine, a criticism since confirmed by the State Mine Inspector in a report addressed "To whom it may concern," in which he reported the existence of water in the mine. The committee found this work hazardous and detrimental to health, and after calmly considering the matter, we felt that we would not properly perform our duty did we not recommend that this contract be cancelled. Up to the time of this committee's visit to the mine, it had never been visited by a mine inspector, so far as we were informed, nor had any member of the Board of Penitentiary Commissioners ever inspected it, so far as we were able to determine. This committee here and now places the responsibility of this matter upon the shoulders of those directly charged with the administration of penitentiary affairs, and we repeat that in our judgment this contract, which has been renewed for two years from January 1, 1910, should be cancelled at once.

One force of men is employed by the Trinity & Brazos Valley Railroad. Conditions at this camp are fair, except that the men, occupying cars as camp quarters, were somewhat crowded. The sanitary condition was fair.

During the sugar season on the State farms, and such other sugar farms as work convicts, the men are required to work on Sundays. For this Sunday work they receive from the State or the plantation owner, as the case may be, wages at the rate of fifty cents per day.

The guards on the State farms receive from the State \$1.00 per day additional compensation for Sunday work, and on farms owned by private parties the contractor pays this extra dollar for Sunday labor. The sergeants of two forces testified that they had received \$2.50 per day from the plantation owner as additional compensation for Sunday work. The Superintendent of Penitentiaries testified that the guards are permitted to receive the extra compensation from the State for Sunday labor on State farms, and from the plantation owners when the Sunday work is done for them on contract farms, but the sergeants are not allowed to receive any additional compensation for Sunday labor, either from the State or from contractors.

R. J. Ritchie, formerly employed as a sergeant, testified before this committee that he and two other sergeants had to his knowledge been paid an additional salary of \$25.00 per month during the months in which the cane crop was harvested in the season of 1907. He testified that it was his information that this extra compensation during the cane harvesting season was paid by the plantation owners, but that it came directly to him through officials of the penitentiary. In addition to this, Ritchie testified that he and two other sergeants received directly from the plantation owners \$3.35 extra compensation for each Sunday convicts were worked during that period. He testified further that, following the death of a convict supposed to have been brought about by excessive punishment on a farm where convicts were employed, this extra compensation from the plantation owner was discontinued by order of the Superintendent, and subsequently the sergeants mentioned received only their usual salaries in such official capacity. Witness Ritchie gave it as his opinion that this extra compensation to the sergeants was paid by the plantation owners for the purpose of securing a greater amount of work out of the convicts, although Superintendent Herring, in explaining to him that the plantation owners were paying the additional compensation of \$25.00 per month, instructed him to work the men as before. An affidavit by a member of the Board of Penitentiary Commissioners at that time states that such extra compensation of \$25.00 per month by the contractors was authorized by the board. Ritchie also testified that a sergeant then on the Burleson & Johns farm, but now occupying a higher position in the penitentiary system, had an interest with the owners of said farm in a drove of hogs which were being fed on the premises. We direct special attention to this testimony, since the Twenty-eighth Legislature passed an act ex-

pressly forbidding any sergeant, guard or other officer or employe from accepting or receiving any salary or compensation from any person or corporation hiring convicts, and fixing a penalty therefor.

At the iron industry at Rusk, including the mining of the ore, such men as are necessary to keep the industry in continuous operation are worked on Sunday. For Sunday work they are paid fifty cents a day, and at the blast furnace and pipe foundry the convicts are paid for overtime at the same rate where more than ten hours work is done. At the sugar mill, the force, working twelve hours per day, are not paid overtime for the extra two hours daily.

The female convicts of the State are located at Eastham camp No. 2, some twenty-three miles from Huntsville, there being about sixty-seven negro women, three whites and one Mexican at the time of the committee's visit there. The negro women are employed in the fields in the cultivation of corn, cotton, etc., the white women and the Mexican woman being employed at light work about the place. The negroes occupy a building to themselves. The entire force is under the supervision of men only. Evidence of disgraceful conduct on the part of former employes, and two now in the service, was presented to the committee, which evidence is merely referred to, as the same is too shocking and repulsive to put in this report. There is no evidence of gambling at this camp.

In some instances the men on the farms have been compelled to work in mud and water, and also in the rain, especially if the force is working at some distance from the camp when the rain comes up. Sometimes dry clothes are furnished the men when they return to the building with their clothing wet, and sometimes they are not. The treatment of the men on the farms is wholly in the hands of the sergeant in charge, who, if he be possessed of a drop of the milk of human kindness in his heart, can do much for the comfort of those dependent upon him for care and protection. If he be other than a man of kind but firm disposition and incapable of grasping the great responsibility of his position, he can make life not only most unpleasant, but almost unbearable for that unfortunate class of our population serving a sentence in the State penitentiary.

CONSUMPTIVE FARM.

About two miles from the town of Huntsville, the State owns a farm to which are sent all convicts showing symptoms of tuberculosis. In the prisons and upon the various outside camps, as soon as a convict develops such symptoms, he is at once removed to this farm that he may have special care and attention. The farm is under the supervision of the Huntsville prison physician. Light work on the farm is provided for those who are able to work. The hospital arrangements are inadequate, and we doubt the wisdom of the location from a climatic standpoint.

COMMISSARY DEPARTMENT.

Supplies of all kinds for the various camps are issued from Huntsville upon the requisition of the sergeants in charge, and the food, both as to quantity and quality, rests largely with the sergeants. The quantity of clothing is also a matter for their determination. The sergeants are required at the end of each month to report the quantity of each article of food and clothing on hand, but we have found that in a majority of the camps the stock on hand is not invoiced to ascertain this, but the amount on hand is arrived at by deducting the daily issue from what the month's receipts, added to the previous month's balances, amounted to. While we have no evidence of improper use of the stores, under the present system, with the widely scattered location of the camps, it would be comparatively easy to misappropriate them should men get charge who lacked the proper conception of honor. The sergeants give bond for the stores and State property, but the commissary department is usually under the immediate supervision of a steward, or picket guard acting as steward. The managers of the four State farms receive as a part of their compensation houses, servants and maintenance for themselves and families. We found that two sergeants on share farms and one assistant sergeant maintained their families from the State commissary.

REFORMATION.

At the Huntsville and Rusk penitentiaries, chaplains are employed, who have direct supervision and charge of all religious services. They preach once every Sunday, and in addition have Sunday school, Bible classes and other means of religious and moral training. Night schools for the convicts at these two prisons are conducted by the respective chaplains, and a limited number—limited on account of lack of sufficient room where convicts may be safely released at night, and insufficient help in teaching—are taught the ordinary elementary branches of a literary course. In addition to this course, which many of the convicts who are illiterate seem glad of an opportunity to avail themselves, there is a business course teaching shorthand and bookkeeping. There is also a correspondence course in which those so inclined may take a course in mechanical and electrical engineering, and some other scientific courses. At the two prisons there are libraries, the books from which the convicts are permitted to read under certain conditions. At the outside camps, however, the men are denied all of these privileges, except in a few instances where an effort is made to maintain a library on a very small scale, but only in one or two cases is this done. So far as we have been able to determine, except as above stated, not one thing is being done looking to the reformation of the men committed to our penal institutions.

RECOMMENDATIONS.

Based upon our entire investigation of this important subject as related herein, we now respectfully make the following recommendations, with the firm hope that the good people of Texas, through their lawful representatives and the Chief Executive, will hear our prayers and grant the necessary relief to the unfortunate creatures whose conditions we have examined into to our best abilities, which we are sure will at the same time do justice to our great State.

In making these recommendations relative to the treatment of convicts and improvements in the penitentiary system of this State, we do so after what we have seen and heard in our investigation, with the hope that such recommendations will serve some useful purpose. They are made in general terms, leaving the details thereof to be worked out, if any of them should be thought worthy, by the law-making power of this State and those in authority.

In referring to the physical properties belonging to the penitentiary system and recommendations we deem necessary thereto, we have placed such properties under certain heads.

HUNTSVILLE PENITENTIARY.

We are of the opinion that the walls surrounding the Huntsville prison and properties should be so enlarged as to take in 5.33 acres of additional land now owned by the State, thereby giving more room for the work carried on at this prison, as well as furnishing room for additional improvements. The buildings at Huntsville where the work is being done are antiquated and dilapidated, and are crowded together so that the work can not be properly carried on. None of these buildings are fireproof, so that if fire should ever break out in them, not only will this entire system be in danger of destruction, but the lives of the prisoners confined therein be put in great jeopardy.

We think this should be remedied as speedily as possible by rearranging and replacing the old buildings with modern fireproof buildings, so as to remove this great danger as well as to facilitate the work carried on in them. A new hospital building is also needed, located in a more quiet place.

The present dining room and chapel building is reported to us as being in an unsafe condition, and we advise that this building be examined by competent parties to determine its safety, and if it should be found unsafe, then it should be torn down and a new building erected in its place.

There is a partial sewerage system at this prison, which should be extended

and completed so as to cover the entire system, and in this way the buckets used by the convicts in their cells can be entirely removed. The beds now in use in the cells are of wood. We advise that they be replaced with iron ones, which will greatly help in keeping the prison cells clean and in a sanitary condition. The bathing facilities are inadequate, and we recommend that a swimming pool and additional bathing facilities be provided.

In view of the fact that a large amount of the financial transactions pertaining to the penitentiary system of Texas is carried on and handled at Huntsville, necessitating the keeping of many record books and papers relating to the entire system, we advise that adequate vault room be constructed there, so as to preserve such books and papers from destruction by fire. The present vault in use is wholly insufficient to accommodate such books and papers.

RUSK PENITENTIARY.

We advise that all of the prison buildings at Rusk be repaired so as to preserve them, and that all of the premises and buildings be cleaned up and put in a sanitary condition. A sewerage system should be installed in this prison; the old wooden beds replaced with iron ones; the floor of the dining room repaired; adequate bathing facilities for the convicts established, and a vault constructed for the keeping of the books and records of this prison.

STATE FARMS.

We recommend that on all of the State farms modern prison buildings, with hospital, chapel and school buildings attached thereto, be erected; that such buildings be centrally located on such farms, from which tramways should be built whereby the convicts could be transported to and from their work, where necessary, in place of being compelled to walk from one to four miles per day in order to reach their work, and over which trams the products of said farms could be assembled for market.

FEMALE CONVICTS.

We recommend that all female convicts be placed upon some farm now owned by the State or a farm to be hereafter acquired by the State, upon which no male convict shall be kept; that the sergeant in charge of such farm shall be a married man, and shall reside, with his family, upon said farm; that said sergeant shall have direct charge of said farm, convicts and their work; that there be employed upon said farm a matron, who shall be in charge of the buildings, look after the physical welfare and wants of such convicts, and who shall, in the absence of the physician, determine whether or not the physical condition of such convicts is such that they are able to perform manual labor; that an assistant matron shall be employed, who shall have charge of said convicts and buildings at night; that all guards employed upon such farm shall be married men, and shall reside, with their families, within three hundred feet of the prison building.

CONTRACT AND LABOR SHARE FARMS.

We recommend that the contract and labor share farm system be abolished not later than January 1, 1912, and that all convicts be kept and worked in the prisons and upon the State farms, and in order to fully carry out this it will doubtless be necessary to purchase additional lands for such purposes; therefore, we suggest the purchase of such additional lands somewhere in the central part of the State, where the white convicts may be kept and worked, and upon which modern prison buildings shall be erected, and in the purchase of additional lands, and in making other improvements herein recommended, that the State make provision for the payment for the same without directly or indirectly pledging the labor of the convicts for such payment.

CHANGES IN LAWS.

We recommend that the Constitution be so amended that a Board of Penitentiary Commissioners can be appointed by the Governor, with the approval of the Senate, holding office for a period of six years each, one to be appointed every two years, and that the control and management of the penal institutions of Texas be placed in the hands of said board, and that said board shall be composed of two members of the dominating political party and one member from the political party casting the next highest vote for Governor at the last general election preceding such appointment; that the salaries of the members of said board be \$3600 per year each, together with all necessary traveling expenses; that said board shall devote all of its time to the penal institutions, and that said board shall have power and authority to elect its own secretary and other clerical help, and to appoint a general manager for the entire penitentiary system, and the general manager so appointed by said board shall have power to appoint all other officers, guards and employes necessary for the running of these institutions, and until such constitutional amendment can be adopted we recommend that this change be carried out, as far as possible, by changing our present laws relative to the Board of Penitentiary Commissioners.

In view of the fact that our present laws relating to penitentiaries and convicts are vague, indefinite and uncertain, and in many respects not clearly defining the duties of some of the officers of the penitentiary system, we advise that such laws be so amended or rewritten as to clearly define the duties relating to the conduct and management of the penitentiaries and convicts, and that proper penalties be attached for their violation.

We recommend that the penal laws of this State affixing punishments for felonies be so changed as to provide for an indeterminate sentence, and that the parole law, which is now very imperfect and incomplete, be amended so that convicts, when worthy, may be paroled, and in the meantime that the present parole law be executed.

We are thankful to know that the present Board of Pardon Advisers are doing their duty in visiting the penitentiaries and farms, etc., where convicts are worked; and thus giving each and everyone of these unfortunates an opportunity to be heard in his own behalf, for we are persuaded to believe that only in this way, in many instances, will it ever be possible for many deserving ones to secure pardons which they merit, and until there is a change in the present system we recommend that at least once in every twelve months the Board of Pardon Advisers be required to visit every place where convicts are worked, and give everyone of said convicts a hearing.

We recommend that those in charge of the penitentiaries be required to classify and grade the convicts so that they may be kept and worked separately according to such classification and grading, and that any manager, sergeant, guard or other person who shall violate any of the laws relating to the treatment of convicts, or who shall inhumanely or cruelly treat such convicts, may be prosecuted in any court having jurisdiction of the offense.

We recommend that the convicts be given a certain per cent of their net earnings for the benefit of their families and dependent ones, and if any of the convicts have no one dependent upon them that a per cent of their net earnings be held by the proper authorities until said convict is released from prison, when the same shall be turned over to him, and that where convicts are compelled to work on Sunday, which shall not be allowed except in cases of *absolute* necessity, they be paid the sum of \$1.00 per day for such work.

There should be a physician at every prison or penitentiary unit where more than one hundred convicts are kept, who shall be paid a salary sufficient to secure the services of experienced practitioners, and it should be made his duty to examine all convicts before receiving punishment, and to be present while such punishment is being inflicted and make a full report of the same to the proper authorities.

We advise that a competent dentist be employed to care for the teeth of all convicts confined in prison.

We advise that some minister of the gospel, or other competent person, be employed to preach or lecture to the convicts at least once a week, and the

remainder of his time he shall devote to teaching the convicts in the elementary branches of knowledge, and, to assist in this work, libraries and reading matter should be furnished for the use of the convicts.

In view of the fact that gambling is prohibited by the laws of this State, we advise that it also be prohibited in the penitentiaries by those in charge of such institutions, and that some other innocent amusement shall be provided in lieu thereof.

We recommend, as a means of encouraging good conduct, that all convicts be graded in accordance with their behavior and obedience to prison rules and discipline, and that stripes be abolished, except as a means of punishment, such uniforms to be provided as may be directed by the Penitentiary Board.

To secure men of proper character to serve as guards—a most important factor in the running of the penitentiary system—we recommend that the law be so amended that guards shall receive a competent salary, and that they shall give bond in the sum of \$1000 for the faithful performance of their duties.

Whipping may be resorted to, but only on special order in writing from said board, or from such person or persons as it may designate in this respect, but this mode of punishment shall not be administered until all other correctional measures, allowed by law, have failed.

In whipping, a leather strap, one end of which being encased in a wooden handle, shall be used, constructed thusly: The hand grip of the handle shall be six inches long, and the inner end of the handle shall encase one end of the strap four inches, securely; the strap beyond the handle shall be made of soft pliable leather, not more than three-sixteenths of an inch thick, two and one-half inches wide, and two feet long, and the end of which shall be rounded and the edges well trimmed. The whipping shall be laid on no other part of the convict's body than the buttocks, and not more than fifteen licks shall be given to any convict on any one day.

No convict shall be whipped except in the presence of some citizen of the State, not directly nor indirectly employed by the penitentiary system, and who shall, after being made acquainted with these rules, countersign the certificate permitting the whipping, that it was performed in his presence by Sergeant, and describing the number of licks given, which certificate shall also be signed by such sergeant and returned promptly to the officer having issued same. Every person whipping or punishing a convict corporally, otherwise than as defined by law, shall be guilty of a misdemeanor, for which he shall be tried by a court of competent jurisdiction, at which trial the convict illegally punished and any convict having witnessed such act, shall be allowed to make a statement, and it shall be the duty of said board to bring all such guilty parties to a speedy trial. The camp physician shall examine the convict before being whipped, and shall witness the punishment.

Article 2 of the Penal Code of this State declares that "The object of punishment is to suppress crime and reform the offender," but from our investigations made it seems to us that this beneficent provision of our statutes has been almost if not entirely overlooked in the management of our penal institutions. Little or no effort is made to reform the offender, but on the other hand in many, many instances the way in which many of these convicts are treated in the labor required of them; in the food and clothing furnished them; in the conduct of those in charge of them; in the punishment inflicted upon them, seems to us tends to make criminals out of those not criminal by nature, and, while Section 13, Article I of the Constitution of this State, clearly provides that cruel or unusual punishment shall not be inflicted, this committee is of the opinion—and we believe every fair-minded man in Texas will concur in this opinion when the facts are known—that both cruel and unusual punishment has ruthlessly been inflicted upon convicts confined in our prisons. Such treatment has been inflicted that, when known, will cause every law-abiding citizen of this State to blush with shame, and will bring a hearty and earnest protest to its continuance.

The State owes it to these unfortunate people, and owes it to itself, to make such changes, without delay and regardless of expense, as will overcome these abuses, and if the State so fails to at ~~once correct~~ the same she will be a party thereto.

We do not share in that sentiment expressed by some, that kindness and firmness can not go together, but we believe that kindness and firmness are beautiful handmaidens, and should go together hand in hand in the treatment of these unfortunate people. Confinement, within itself, is punishment, and work is necessary. We recognize the fact, too, that as a rule those sent to the penitentiary are not the best class of citizens, though there are many now confined in prison who, barring the one violation of law which resulted in their conviction, are not criminals, and while we do not think that a term in the penitentiary should be made a picnic occasion, we do believe that such confinement should be without cruelty and the work such as not to require the last ounce of human blood to furnish the energy for its performance. As long as it is the law of this State that one of the objects of punishment is the reformation of the offender, we think the State should make some effort to carry this out, and not have as its sole object the making of money out of its criminal class.

We believe that if the Constitution is changed so that a commission of three members can be appointed to serve for a period of six years each, one term to expire every two years, and who shall give all their time to the penitentiary system, the system can in this way be better managed and the convicts more humanely treated. And then, if such a commission were formed, it could perform the duties now enjoined by law upon the two inspectors of penitentiaries, and also perform the duties of a board of pardons.

In concluding this report, we desire to say to you, and through you to the people of Texas, that the general conditions existing as to the treatment of convicts confined in our penal institutions, as shown by the evidence adduced, has gone on from year to year since the establishment of the penitentiary system, it being inherited by your administration, and for which you are not responsible, except in so far as to use every effort to remedy the existing evils, speedily.

From time to time, the people of Texas have been officially advised of these conditions. In 1874 an investigation was made, and many of the evils which this committee finds in existence today were pointed out at that time, though some glaring evils of that time were corrected. In 1902 a joint committee of the Legislature was appointed to investigate the penitentiary system, together with all other State institutions, and the testimony taken by that committee revealed a state of affairs that should have brought about immediate changes, but, notwithstanding both of these investigations, and scraps of information that have come to public light from time to time, the people, unable either to appreciate the real situation or to believe that such conditions actually existed, have not demanded a change in the system which would for all time put a stop to such abuses. Now that the public has again been advised of these conditions, we confidently believe that the humane, patriotic citizenship of Texas will not longer delay such steps as are necessary to place our penal system upon that high ground which the culture, refinement and high ideals of our people would naturally demand, to the end that Texas may rank as high as any of her sister States in the treatment of her erring sons and daughters.

We have endeavored here to suggest some practical remedies, and we assure you that every member of this committee stands ready to assist you to put them into immediate effect and bring about this much desired result.

Respectfully submitted,

C. E. GILMORE, Chairman;

F. C. WEINERT,

D. A. PAULUS,

W. J. GREER,

C. B. HUDSPETH,

W. O. STAMPS,

JENS. MOLLER,

BROWN F. LEE,

Penitentiary Investigating Committee.

Austin, Texas, November 24, 1909.

We concur in this report, with the exception of the retention of the use of the strap or lash, against which we solemnly and earnestly protest. That

antiquated and barbarious torture as a mode of punishment was long since abandoned by all civilized European countries, as well as by more than 75 per cent of our penitentiaries; its use is not only so degrading and humiliating, and especially so to white people, that it knocks the last vestige of self-respect and manhood out of the being, but it creates a spirit of revenge, not only against the penal system and its officers, but against society, that only dies with the culprit.

We are told that discipline cannot be maintained amongst a certain class of our Southern population without the lash; in reply to which we say, another class of this population, to-wit: Those intrusted with the care of human beings, even be they convicts, has proven by their action in whipping many of these helpless creatures, illegally, inhumanely, and some of them to death, for trivial offenses, that they have forfeited their trust, and hence the only remedy is to absolutely forbid them to exercise their brutal inclinations by abolishing the use of this corporal and soul-killing instrument. If a mother at the birth of her babe, knowing the hellish conditions prevailing on some of the Texas penitentiary farms, camps and coal mines, could foresee that her darling would in course of time be condemned to one of these places, she would perform a charitable act to emulate the mocking-bird when it, failing to liberate its ensnared young one, brings it a poisonous berry, utters a chirping cry, vanishes into space—and mourns.

Let us all stretch out a helping hand to these despised, friendless creatures, and do it now.

F. C. WEINERT,
JENS. MOLLER.

In dissenting from the majority report of this committee, I do so feeling that the members concurring in that report have pursued this investigation studiously, honestly, with a determination to develop and uncover every abuse connected with the penitentiary system, and on the other hand I believe that they have dealt fairly in this matter, and that they have come to their conclusion after sincere and mature deliberation and the dictates of an honest heart and a sincere conviction. They are my personal friends, every one of them—men for whom I have and shall always have the most profound respect, and who have merited the respect and admiration of the entire State on account of their untiring efforts in this matter. I dissent from them in several matters, among which are the following:

First.—After witnessing with my own eyes accounts of brutality and hearing with my own ears tales of atrocious and brutal treatment at the hands of certain sergeants within the penitentiary system of this State upon convicts entrusted to their care, I cannot find it in my heart to endorse the use of an instrument by which death has been inflicted upon human beings; neither can I endorse a modification of the punishment by the strap or a bat, believing that the same should be totally abolished, for if you give some men the least bit of authority for the use of this inhuman instrument, there is no doubt in my mind that, following the instincts of a brutal nature, they will encroach upon the authority so given so that in time they will get back to treatment as revolting as that presented by uncontrovertible evidence before this committee, and possibly worse. I would as soon lend my official sanction to a method of punishment whereby a sergeant might be permitted to punish a convict by shooting him in the leg with a .45 calibre pistol and take chances on same not resulting in death. In making this minority report, I do not wish to convey the idea to the people of Texas that there are not some humane officers connected with this system. I have the highest regard for the Superintendent, believing that he is honest and humane, and for the Assistant Superintendent at Huntsville and others whom I had the pleasure of meeting during this investigation. Many of the instances of brutality and abuse existing in the system these men, I believe, would remedy same if they could, but their hands are tied by an antiquated and vicious system, the foul odors from which have permeated this entire State for fifty years, the attention of the people having been called to same by several committees previous to this, but the people have been lulled to sleep by the siren song of the men of avarice and greed and the professional politician who procures his daily sustenance at the political pie counter. I trust that this

report will sufficiently arouse the people of Texas to the atrocities daily heaped upon this mass of thirty-six hundred breathing, human souls, wards of the State, to such an extent that the people will rise up and demand a Called Session of the Legislature of this State in order that legislation may be enacted whereby this organized hell and "Black Hole of Calcutta" will be in the course of a few months only a ghastly memory in the minds of the people.

Second.—I believe that the State Railroad, a vivid relic of Populism, should be sold as early as possible, and that the proceeds derived therefrom should be used in the payment of the funds belonging to the school children of this State, and the balance of the proceeds from same to be used in the purchase of a State farm in a high altitude, upon which white convicts, and especially those sentenced from the northwestern and western part of the State may be worked. I presented this recommendation to the general committee, and same was postponed for further action.

Third.—I believe that all accounts and that every item connected with the financial board of the penitentiary system should be kept in the Comptroller's Department of this State; that all accounts should be audited by and under the supervision of the Comptroller; every warrant drawn by him; all moneys connected with the penitentiary system kept with the State Treasurer, and to be paid out through his office upon a warrant issued by the Comptroller. I also presented this recommendation to the committee, but same was postponed by them, an argument being made by some of them that the transactions connected with the penitentiary system were of such magnitude that the Comptroller's Department could not handle same. To refute this argument, I cite the fact that the accounts of the Santa Fe System, about five times the magnitude of the penitentiary system of Texas, are kept and audited in one office and by the same department. If a bare-footed boy is hired for two-bits, (twenty-five cents) to watch a bridge, his account has to go to this auditing department and a warrant issued from same before he can get his money. I make the statement that if this recommendation had been a law prior to this time, it would not have been necessary to have paid out of the people's fund the sum of \$5,500 for the auditing of the books of the penitentiary system in order to know whether or not certain industries were being operated at a profit or a loss.

Fourth.—Nowhere in our findings is there any report made of the State Railroad camp. I believe that the people of Texas should know something regarding this miniature "Hole of Calcutta." The evidence will show that the brutality of the guards and sergeants in this camp exceeded that of any other camp visited by this committee; that the convicts were poorly fed, half clothed, and that they were driven to their work with the lash, like galley slaves, from early dawn until the sombre shadows of evening put an end to their sufferings and gave them relief from the bull-whip. From a preponderance of evidence before this committee, I believe that every spike upon this road was driven in human blood, and every tie and rail was put there at the barter of the bones and muscle of these poor unfortunates by men in high power in this great commonwealth. I may be called a sentimentalist, and the assertion will doubtless be made by some that in making this report I am only appealing to the sentiment of the people, but I want to state emphatically that I have no apology to make for being able, while acting in the capacity of a State Senator and a member of this committee, to feel the humane impulses of a man.

Fifth.—Individually, I would recommend that the moral pervert or hardened criminal—men who are serving their third and fourth term, and known as "repeaters"—should be worked in opening up the rivers of this State to navigation, working in conjunction with the Federal government, the result of which would be beneficial to the people of this State in creating and making competition with railroad transportation and the lowering of freight rates. This recommendation, however, I will state has never been called to the attention of the general committee, but I shall do this when the committee reconvenes at Huntsville in January.

Sixth.—I do not agree with the committee in its recommendation of the commission, that two members shall be composed of the dominant party and one of the party casting the next highest vote at the next preceding election. I have affiliated with the Democratic party and been casting my ballot for its nominees since I was eighteen years of age. When I find a state of affairs existing

such that honest men cannot be found in this party to administer the affairs of State and that a representative from some other party must be selected to watch public officials selected from my party, then I will sever my allegiance to the party of Jefferson and Jackson and cast my fortunes with some other party in which there can be found enough men to fill all offices within the gift of the people of this State. I say this in view of the fact that some of the best friends I have in Texas, and some of the best men that grace this imperial domain with their existence, affiliate with the Republican party.

Seventh.—Now, in summing up our report, I offered the following, which was rejected by the committee; they thought the language of the same to be a little too peppery; but I want to state further that possibly I was reared under different environments to my good friends upon the committee. Having drunk deeply of the alkali water the greater portion of my existence upon this mundane sphere, at times, through force of necessity, having to suck the honey dew from the cactus blossom, and being a past graduate of the ethics taught in the log cabin school house from which, after six months of arduous work and stupendous effort, I emerged a full fledged college graduate, I was taught to call a "spade a spade," and possibly I may use too much of the vernacular of the country from which I came, for all of which I ask the kind indulgence of a suffering public. The following is my summary, which I feel is a clear statement of facts, and comes absolutely within the record of evidence taken:

I state my conviction in closing this report that our whole penitentiary system needs reform; that legislation is needed to make reform; that barbarous treatment of convicts in our penitentiaries and convict farms is made possible by the system, and will not be corrected until the system is changed. Humane supervision can only be secured through humane agents, carefully selected and well paid by the State. They should be in daily touch with the convicts and those who work for them, and have no connection with financial management. They shall have full authority to prescribe and enforce regulations to promote the health of convicts, to regulate and prescribe punishment when needed, and to protect them against brutality of guards, sergeants and contractors.

The use of the lash should be prohibited by law, and severe punishment inflicted on those who may violate it. The lash as a punishment was abolished in the British navy over fifty years ago as revolting and brutal, and has been abolished by every State prison within this Union, with possibly the exception of six or seven, and in these latter prisons the use of same has been very much restricted and modified. The great object of reforming criminals is defeated whenever the State turns them over to any class of men who seek money through the labor and groans of human beings. Avarice and cupidity never inspire humanity, and it matters not whether a convict is worked by the State or by individuals, the great object of reform will be forgotten whenever the chief object is to make money out of men's bones and muscles. In our State prisons are men who, in the heat of passion, have committed crime. They are often superior to the guards who lash them. What hope is there for the reformation of such convicts under the prison system to be beaten like a dog during the week, and then to listen on the Sabbath Day to lectures on charity, brotherly love, and mercy, would be a ghastly mockery of their misfortunes. I believe that chaplains, well educated, and with hearts filled with the milk of human kindness should be employed to minister to every convict camp in this State, and that prayers like the one delivered up at Rusk during the visit of the committee, a small excerpt of which is the following: "Lord, Thou hast not rewarded us according to our iniquities; Thou hast not made our burden as heavy as Thou should," should not be permitted. I ask you, is such a prayer calculated to inspire in the breasts of the convicts a love for their State, or to create within them a very strong incentive to be better men when they emerge from this prison? (The extract that I have given was taken down by a member of this committee when uttered, and after delivering same, the chaplain requested the prisoners to sing the beautiful and soul-inspiring lines, "Now, We Are Happy All the Day.") I say that men are never reformed that way, but go forth to curse the inhumanity of the State and become worse men.

Discipline is necessary, but discipline and punishment may exist without the barbarity that now disgraces our reformatory and penal system. I do not believe in making our penitentiary a health resort or a "Manitou Springs," but the

dark room and still other modes of punishment will accomplish more than the drunken guards with their bull-whips, trained dogs and brutality.

The history of our penitentiaries for the last thirty years shows a terrible treatment of the convicts during all that time. Twenty-six years ago a legislative committee saw forty convicts housed in one board room on the Wynne farm, some of them sick with pneumonia, and without one stove in the coldest weather ever felt in Texas until then. We saw that farm, and it is still a bad place. At that time, in mid-summer, men were confined in box cars at night, and some pulled out dead next morning from that Calcutta death box. A State Senator (Mr. Gibbs of Dallas) described the method of housing convicts while working of railroads; a few gum logs across a railroad ditch, under which the men entered by a hole, and over which the sergeant watched, gun in hand, until next morning, as one would watch a den of snakes. Men were lashed into insensibility then, as they are still, by brutal sergeants, and yet the system went on. Seven years ago a committee sent by the Legislature revealed a condition of sickening barbarity. They reported having seen many whose backs were lacerated by the lash. Men were often chained up by the head and lashed into unconsciousness; others died under the lash, whose backs they could not see. Still the system went on, and the legislators who reported these conditions were called the "smelling committee," and their report kicked about the Legislative halls as though it had been a foot ball. The whole system is devilish and corrupt which permits brutal guards to lacerate the backs and kill men under the lash, and to receive bribes from planters to do it. Texas must support humane State agents who will keep in daily contact with the men, and who will represent the convict side of the question as sincerely as that of the State, and whose only duty should be to look after their physical condition and enforce humane treatment. Unless this is done, the whole system will continue to disgrace our State.

Without additional law, the Governor is powerless. He cannot inspect, for his duties confine him to his office. We do not doubt that he thought he had secured the best officers obtainable; the vice is in the system under which barbarity can be practiced with impunity.

There is no remedy without a revision of the whole system, and this can only be done by immediate legislation. It is respectfully submitted that no question of expense of a Special Session should be raised unless, indeed, we had rather have our convicts tortured and slain, their lives coined into money, than to spend money to stop it. To this end, I respectfully recommend that the Governor of Texas call a Special Session of the Legislature as soon as possible that remedial legislation be had.

C. B. HUDSPETH.

EXHIBIT F.

LETTER OF PROTEST FROM SENATOR WEINERT.

Austin, Texas, May 5, 1910.

Governor T. M. Campbell, Austin, Texas.

Dear Governor: I notice by the press reports of this date that the testimony taken by the Penitentiary Investigating Committee, appointed under and by an act of the Legislature, had been transmitted to you by the chairman of the committee, Hon. C. E. Gilmore, for your files, and in that connection I wish to say as a member of the committee, that I am unwilling to sanction the filing of this testimony with the committee's report until the illegal testimony, or rather that portion which is not privileged, is eliminated. The testimony of convicts was taken for the guidance of the committee, and it was never intended by me to perpetuate such testimony.

What I intend by this letter is to protest against the filing of the testimony taken by the Investigating Committee in its entirety.

Yours very truly,

F. C. WEINERT.

LETTER ACCOMPANYING JOURNAL.

Wills Point, Texas, April 29, 1910.

Hon. T. M. Campbell, Governor, Austin, Texas.

Dear Sir: On November 24, 1909, the Penitentiary Investigating Committee, created by an act of the Thirty-first Legislature, Chapter 105 of the General Laws, made to you its report on the conditions of the penitentiary system, including all farms, camps and trains where convicts are worked or kept, as to the food, clothing, health and treatment of the convicts, and all matters pertaining to their discipline, safe-keeping and reformation.

On January 25, 1910, the committee made its report to you relative to the operation of the iron industry at Rusk by the penitentiary system.

On February 18, 1910, the committee made its report to you touching the financial conditions of the penitentiary system, to which was attached the report to the committee of the Corporation Audit Company, a firm of accountants employed to audit the books and accounts of the penitentiary system for a period of eight years prior to September 1, 1909. (Marked Exhibit A.)

I am now handing you under separate cover by Pacific Express the journal of the proceedings of the committee, containing also a copy of the itemized accounts for all expenses incurred. (Marked Exhibit C.)

In compliance with the act under which the committee was created, and by instructions of the committee, I hand you under the same cover a copy of all the testimony taken before the committee and the various subcommittees appointed by authority of the act. (Marked Exhibit B, 1 to 6, inclusive.)

I desire to thank you and the officials of the system for the courtesy and consideration shown the committee in its deliberations, and the co-operation extended to the end that our work might be of lasting benefit to the people of Texas.

Yours very truly,

C. E. GILMORE,
Chairman Penitentiary Investigating Committee.

EXHIBIT D.

LETTER ACCOMPANYING SUBCOMMITTEE'S REPORT.

Huntsville, Texas, February 17, 1910

Hon. T. M. Campbell, Austin, Texas.

Dear Sir: Considering your request made to the Penitentiary Investigating Committee on November 16, 1909, to "furnish you with the name of any officer, sergeant, guard or other person now in the employ of the penitentiary system who has been found guilty of any violation of the law or mistreatment of convicts since January 15, 1907, the beginning of the present administration; the nature of the offense charged, the time and place, and the names of the witnesses in each case," the committee appointed a subcommittee, composed of Senator Paulus and Representatives Stamps and Moller, to comply with same. They have reported to the full committee and a copy of their report is handed you herewith.

Yours very truly,

C. E. GILMORE,
Chairman of Committee.

REPORT OF SUBCOMMITTEE.

Huntsville, Texas, February 14, 1910.

Hon. C. E. Gilmore, Chairman Penitentiary Investigating Committee.

Sir: We, the subcommittee, appointed to prepare a report, in compliance with the request of His Excellency, Governor Campbell, that this committee "furnish him with the name of any officer, sergeant, guard or other person now in the employ of the penitentiary system who has been found guilty of any violation of the law, or mistreatment of convicts, since January 15, 1907, the beginning of the present administration; the nature of the offense charged, the time and place, and the names of the witnesses in each case," beg leave to report to you that in our opinion the following is a proper reply to said request of the Governor:

We, the Penitentiary Investigating Committee, beg to acknowledge receipt of your written request that the committee furnish you with the name of any officer, sergeant, guard or other person now in the employ of the penitentiary system who has been found guilty of any violation of the law, or mistreatment of convicts since January 15, 1907, the beginning of the present administration; the nature of the offense charged, the time and place, the names of the witnesses in each case. And in reply thereto permit us to respectfully say that in the act of the Thirty-first Legislature, under which this committee is performing the duties imposed upon it, there is nothing which authorizes this committee to pass upon the guilt or innocence of any man; and we are therefore persuaded to believe that should we endeavor to comply with your request we would be in so doing transcending our powers, and justly subjecting ourselves to criticism.

The committee has endeavored to track fully and completely the law under which it is acting, and a copy of all testimony has been placed in your hands, together with such recommendations as it has occurred to us should be made. You can for yourself read this testimony and determine whether there have been any violations of the law by your appointees in the penitentiary service, and if so, then take the necessary steps to have proper punishment meted out to such violators of the law.

Respectfully submitted,

(Signed)

PAULUS,
STAMPS,
MOLLER.

REPORT NO. 2—IRON INDUSTRY.

Austin, Texas, January 25, 1910.

Hon. T. M. Campbell, Governor, Austin, Texas.

Sir: At a meeting of the Penitentiary Investigating Committee, held in this city today, at which were present Senators Weinert, Paulus, Greer and Hudspeth, and Representatives Moller, Stamps and Gilmore, the following was adopted:

We, the undersigned members of the committee desire to be recorded as favoring the abandonment of the operation of the iron industry at the Rusk penitentiary by the State.

(Signed) PAULUS,
WEINERT,
STAMPS,
HUDSPETH,
MOLLER,
LEE.

To this opinion of the majority of the committee I can not agree at this time, desiring to await a decision upon this feature of our report until the report of the auditors employed to audit the books and accounts of the penitentiary system has been received and that report analyzed.

Yours very truly,

C. E. GILMORE,
Chairman Penitentiary Investigating Committee.

FINAL REPORT OF COMMITTEE.

Huntsville, Texas, February 17, 1910.

Hon. T. M. Campbell, Governor, Austin, Texas.

Dear Sir: We beg to hand you herewith our supplementary and final report, being the financial statement of the Texas penitentiaries, compiled by the auditors employed for that purpose; plain matter of fact statements of these affairs, and while they are self-explanatory we deem it our duty to call your attention to several features of this report and to reiterate some of the recommendations made by these accountants.

On page 2 of the report the reasons are stated for starting the audit ten months earlier than stipulated in the contract made with the auditors, and we endorse their action in this respect.

On page 4 appears an index to the whole report. On pages 5 to 11 is shown the status of the system at the beginning of the audit, November 1, 1900, and ending August 31, 1902, when the net earnings on the books were \$300,037.77. For the next twenty-two months the system lost \$41,169.92, showing a net earnings' balance, August 31, 1902, of \$258,867.85.

Pages 12 to 18 show the status of the system from September 1, 1902, to August 31, 1904, resulting in a loss of \$67,395.09, and hence the net earnings' balance on August 31, 1904, was \$191,472.76.

On pages 19 to 24 is shown the operation from September 1, 1904, to August 31, 1906, resulting in making a profit of \$137,748.93, and, therefore, the net earnings' balance on August 31, 1906, amounted to \$329,321.69. In this connection, your attention is called to page 23, where an indebtedness of \$50,000 to a Galveston bank appears, which the auditors state on page 47 was never entered on the ledger. We also call your attention to the fact that said \$50,000 and an overdraft of \$19,917.78 from a Huntsville bank, stated on page 23, were not included as a liability in the biennial report of August 31, 1906, hence said report was valueless.

Pages 25 to 31 show the status of the system from September 1, 1906, to August 31, 1908, during which period the net earnings of \$192,238.25 were made, which result in showing on August 31, 1908, that the net earnings' balance amounted to \$521,459.94.

You will note on pages 25 and 26 that the auditors call attention to the unusually large loss by the furniture factory during that period, and their conclusion for such loss. Mr. A. E. King, foreman of the factory, stated to us, under oath, that some of the inventories submitted by him were compiled by convicts during the day, and were of no bookkeeping value, and in this respect he referred particularly to the inventory of February 6, 1907. And in connection with the auditors' report in regard to the discrepancy of the inventory of the furniture factory, and the testimony heard by us thereto, we find among the records in the Financial Agent's office an inventory dated February 6, 1907, signed by A. E. King, and sworn to by said King before L. E. Ball, clerk county court, Walker county, Texas, on February 9, 1907; and also sworn to by T. H. Brown, on February 11, 1907, before Ben H. Powell, notary public, in which the total inventory of said factory is given as \$39,206.41. We are of the opinion that this inventory of February 6, 1907, should be taken as correct and, if it is, it emphasizes the conclusions of the auditors relating to the furniture factory.

Pages 32 to 38 show the status of the system from September 1, 1908, to August 31, 1909 (one year), during which time the net earnings were \$342,078.23, and, hence, the net earnings' balance on August 31, 1909, amounted to \$863,538.17, of which \$563,500.40 were earned since 1900, and of this amount \$534,316.48 were earned from August 31, 1906, to September 1, 1909—three years—or an annual profit of \$174,772.16, which is more fully shown on pages 39 to 43, containing the summary of the whole accounting.

Page 44 is self-explanatory, being a list of the current accounts receivable.

Page 45 describes the dropping of accounts approximately \$49,000 from the Huntsville books during the period of 1903-1906, and \$26,000 from the Rusk books in 1907, without any explanation whatsoever being made on said books.

We recommend that the present Financial Agent be instructed to notify all debtors appearing on this list, demanding payment, and that he notify the Board of Penitentiary Commissioners of such accounts as he is unable to collect, and that said board authorize him to charge such accounts off the current books to a suspense ledger, but that the amount appearing at any time on such ledger shall not be considered as an asset to the system, nor to be included as such in the biennial report.

Pages 46 to 51, relating to the general condition of the books and accounts of the system, we ask you to peruse carefully, as they are of great importance to the future welfare of the institution. The fact is that the accounting department in charge of the various Financial Agents up to 1907, as described by the auditors in their report, has been carelessly and inexcusably neglected.

Page 52 explains why no accurate or even approximately correct statement can be made of the losses of the Blast Furnace and Pipe Foundry at Rusk, for the reason that the books there are not only in a chaotic state, but many are not in existence, or, at any rate, can not be found; hence the auditors are only able to state in general terms that these industries according to the existing books show a loss from November 1, 1900, to August 31, 1909, of \$277,651.86, besides the salaries of superintendents, foremen and other free labor employed, which were charged up to the general system; and, in addition thereto, the furnace was charged for the ore most of the time at only 50 cents per ton.

Pages 54 and 55, State Railroad.—Accounts for this property were kept (and at times were not kept at all) in the same faulty manner as those of the Blast Furnace, but, from the only data available to the auditors, they report the 34 miles of State Railroad to have cost \$530,382.64, or \$15,600 per mile, which includes \$69,032 for convict labor at 50 cents per day each, for construction work in addition to maintaining the convicts. We especially invite your attention to the particulars of the statements regarding this property, and want of accounting in connection therewith, and also to the fact that this property stands on the present books at Huntsville for only \$336,184.18, which, of course, requires attention.

Page 56, State Farms.—Please note the statement below, showing the difference in values of these properties as appearing on the present books at Huntsville, and the actual cost ascertained by the auditors, including improvements, on September 1, 1909:

	Hunt-ville Books.	Auditors' Report.
Clenens State Farm.....	\$ 814,971 93	\$ 560,024 46
Harlem State Farm.....	458,785 52	223,852 44
Wynne State Farm.....	25,132 12	19,910 76
Imperial State Farm.....	211,710 38	198,349 66
Ramsey State Farm.....	192,511 83	178,857 82
	<hr/>	<hr/>
	\$1,703,111 78	\$1,180,995 14

Thus, the books show a greater value of these farms and their improvements by \$522,116.64 than that of the auditors. In this connection, we also beg to point out to you that the State of Texas capital account, advances made by the State at various times to the penitentiary system, is stated on the books at Huntsville to be \$31,000, whereas it is, according to the auditors, \$2,108,214.91. This conclusively proves that the biennial reports furnished by the Financial Agents of the penitentiaries to you, and for the guidance of the Legislature, are not only absolutely useless but misleading, as their calculations are based upon the books kept at Huntsville.

This brings us down to the recommendations made by the auditors on pages 57 and 58, which we fully endorse, in so far as it being necessary, at once to reform the accounting department of the system. The auditors have, accord-

ing to their contract, devised a system of bookkeeping and accounting, but unless the same is installed by a competent person and watched carefully until in satisfactory operation, nothing will have been accomplished. We can not refrain from stating that we consider this one of the most important matters demanding your attention since you became Governor. Please remember that the dropping of account of more than \$75,000 without any explanation, many of which have since been paid by honest debtors, could not be done by any accounting system deserving the name.

From the testimony before this committee, a former Financial Agent kept funds of the penitentiary system in a bank in which he was interested. We recommend that steps be taken to prevent a recurrence of this in future, and that the Financial Agent shall at all times reside at Huntsville.

In conclusion, we beg to say that it must be gratifying, at least from a financial point of view, to the people of Texas and to yourself, to note the net earnings made by the penitentiaries during your administration, in which respect we compliment your very able Superintendent, and we close with the hope and assurance that you and he will continue to improve the conditions of the convicts physically and otherwise, in the same humane and practical manner you have evinced prior to and since this committee called your attention to the shortcomings existing in the system, and especially as results show that such can be accomplished without any burden on the taxpayers.

Respectfully submitted,

C. E. GILMORE, Chairman;

D. A. PAULUS,

C. B. HUDSPETH,

W. J. GREER,

W. O. STAMPS,

JENS MOLLER,

BROWN F. LEE,

F. C. WEINERT,

Penitentiary Investigating Committee.

EXHIBIT A

TEXAS PENITENTIARY SYSTEM—ACCOUNTS RECEIVABLE AT HUNTSVILLE AUGUST 31, 1909.

Supplementary Ledger "M."

Folio.	Name.	Amount.
52	People's House Furnishing Co.....	\$ 899 61
54	Palmetto Lumber Co.....	207 89
55	Peach River Lumber Co.....	22 85
56	Tod Robinson	29 65
57	W. W. West Co.....	332 81
66	San Jacinto Lumber Co.....	207 69
63	West Lumber Co.....	149 25
64	Walker County Lumber Co.....	66 73
67	T. E. Swann.....	633 71
75	C. O. D. Shipments.....	169 19
82	Houston County O. M. & M. Co.....	44 15
85	J. C. Hill Lumber Co.....	6 74
86	Davidson, Ingram Lumber Co.....	50 00
87	Wm. Carlisle & Co.....	4 50
89	John B. Payton.....	9 33
112	Walker County Lumber Co. (saw mill).....	807 46
234	J. G. Ashford.....	408 28
	J. G. Ashford.....	1,038 70
240	Huntsville Cotton Oil Co.....	45 70
241	Smither Grocery Co.....	48 91
243	Huntsville Electric Light and Ice Co.....	27 54
244	Pacific Express Co.....	56 75
245	S. Gibbs	450 65
246	Eastham Bros	3 17
247	City of Huntsville.....	87 75
251	Carson-Morris Co	5 00
252	Ed. C. Smith.....	1,030 04
252	F. A. Talley & Co.....	8 00
253	W. F. Spiller.....	85 36
	S. A. Reed.....	63 35
254	Jas. W. Leggett.....	85 60
255	W. M. Glenn & Co.....	99 45
256	J. O. Monday.....	110 00
257	J. Y. Smith & Bro.....	47 94
310	Geo. E. Darsey	1,377 24
259	Lundy & Thompson.....	1,192 40
261	J. M. Gossage.....	4 75
262	J. M. Brayles.....	37 30
262	City Light Co.....	202 16
264	Robt. Hall	55 62
	McCullough & Co.....	308 35
	Carlisle, Jones & Co.....	2 75
266	Texas Furniture Co.....	676 17
267	W. F. Elliott.....	206 71
	Groveton Light and Ice Co.....	2 50
286	Knox Lumber Co.....	30 72
288	B. H. Goernberg.....	500 00
289	Padgitt Bros. Co.....	32 50

Folio.	Name.	Amount.
290	James Powell	142 92
291	Keystone Mills Co.	1 50
305	Levy Bros	46 83
306	W. C. Day	31 00
307	E. A. Hudson	747 02
307	J. D. Simens	1,288 38
308	A. A. Allison	1,102 50
308	Buchanan & Moore	382 84
308	Beafford Lumber Co.	126 80
308	Ray Rowell	431 17
310	E. S. and R. G. Rather	11 15
311	C. Y. Barrett	20 45
312	A. H. Traylor	29 85
313	Levy Furniture Co.	550 46
313	J. H. Summers & Son	33 86
314	Whitty & Keeland	467 25
465	Miscellaneous account, "B"	02
466	Miscellaneous account, "C"	19 07
467	Miscellaneous account "H"	63 07
477	W. A. Fink	23 63
477	Eugene Meyer	
477	J. G. Davis	7 58
478	M. R. Talley	125 77
478	J. L. Lybrand	1 49
480	G. M. Dely & Son	117 00
481	B. F. Rankin	6 10
481	J. H. Brightwell	5 98
483	J. L. Jordan	10 00
484	Gresham & Hollamon	3 50
484	N. W. Hardy	2 90
485	J. L. Ullman	80
485	J. D. Richardson	02
485	W. W. Moore	26 40
486	C. A. Mayfield	15 50
486	State Reformatory	1,837 06
487	Harry & Stein	18 00
487	J. Yourns & Co.	
487	J. C. Baker	65 96
488	Ed. McGar	49 75
488	A. H. Wooters	88 10
488	Stevenson Machine and Repair Co.	19 35
489	S. R. Olive	10 69
490	Texas Lumber Co.	72 00
490	W. P. Powell	14 07
491	Golden & Baker	4 40
493	T. A. Farris	55
493	Frank Herman & Bro.	9 97
493	E. B. Zachary Co.	21 00
494	Sugarland Railroad Co.	12 00
495	H. Roden	100 37
495	M. Tackeberry	6 40
496	Stephenson Machine and Repair Co.	51 17
497	Taylor & Peters	80
498	B. F. Masterson	01
499	Acme Lumber Co.	11 50
499	J. H. McClannahan	53 34
502	Addison & Grenaldi	668 58
502	Dillard & Co.	177 24
505	C. J. Gerlock & Bro.	18 00
506	C. O. D. shipments	39 09
506	J. J. Swan	8 34

Folio.	Name.	Amount.
507	H. Yelverton	26 75
507	G. L. Wharton & Co.	02
508	Elberta Lumber Co.	20 00
509	Morris Gin Co.	59 98
509	Gulf, Colorado & Santa Fe Railroad Co.	320 84
510	People's Furniture Store.	11 35
511	P. M. Bower.	5 22
511	W. Y. Robinson.	8 15
512	Turner & Gibson.	216 15
517	T. H. Phipps.	11 70
518	Gulf, Colorado & Santa Fe Railroad Co.	6 00
522	C. H. Alvord.	126 25
526	Barclay Mercantile Co.	2 75
527	Cherokee Lumber Co.	31 85
529	M. L. Haley.	105 50
	W. B. Anderson.	44 73
	A. and M. College.	47 25
535	H. Roden Furniture House.	01
	J. W. Brickley.	78 77
547	Edmunston Bros.	50
556	W. R. Scrogin.	79 73
558	L. and M. Lumber Co.	7 90
558	T. J. Pell.	56 08
561	S. E. Howard.	4 69
562	Dobbs Furniture Co.	104 54
572	Burnett Lacy Hardware Co.	121 27
576	Deboin & Cage.	14 26
587	Wm. Kelly.	199 77
589	T. A. Gay & Co.	1 65
589	A. Taylor.	50 71
591	T. C. Ehlert.	36 50
601	Galveston, Harrisburg & San Antonio Railroad Co.	18 00
603	C. N. Green & Bro.	536 84
604	McCullough Hardware Co.	53 47
608	Rush, Gardner & Bartlett.	15 50
608	Walter Box.	14 43
611	Bowden Bros.	13 76
611	Crane Furniture Co.	65 53
613	Wm. Cameron & Co.	43 58
614	B. Sbisa.	64 25
617	W. A. Mayne.	29 94
618	Star Installment Co.	661 31
622	B. Sachs.	1 02
626	Crockett Gin Co.	3 75
630	Marshall Installment Co.	17 40
631	St. Louis, Brownsville & Mexico Railroad Co.	34 89
632	G. A. Stowers.	70 34
633	G. Herman & Sons.	5 89
635	Craig-Williams Furniture Co.	82 42
637	C. F. Swayse.	4 55
644	E. W. Naylor Hardware and Furniture Co.	92 80
644	Strickland Furniture Co.	759 44
645	Smith & Mann.	52 75
646	E. S. Cross.	31 23
646	P. Jossierand & Sons.	49 73
646	E. A. Qualline.	1 90
649	A. E. Devine.	1 02
655	J. T. Jarrard.	2 35
656	F. C. Agnew.	01
657	Cady, Cotter Furniture Co.	34 04
658	L. E. Wood.	17 50

Folio.	Name.	Amount.
660	Elmer Abby	11 62
662	H. S. Dew & Bros.	2,157 41
665	S. C. Ludiker	15 12
666	J. J. Brooks	13 00
666	Taylor & Ritter	63 01
667	McCall & Burch	47 25
667	T. J. Tucker	108 50
668	Center Hardware and Furniture Co.	433 50
669	J. F. Albritten	15 93
669	Fechner Bros	27 10
669	Alfred Tipps	56 03
669	M. Gordon	47 62
670	H. L. and W. A. Milliken	282 67
670	Miss Jennie Brin	15 50
671	C. F. Schneider	47 84
671	Phoenix Furniture Co.	39 60
671	Victoria Furniture Co.	28 48
672	Cole Hardware Co.	388 30
672	C. A. Rittenhousse & Co.	90 26
673	Abe Fink	102 89
674	E. H. Robinson	223 85
674	W. S. Rowe	60 00
674	J. R. Framm	2 75
675	James H. Quarles	1,301 08
675	H. F. Masur	31 94
676	International & Great Northern Railroad Co.	245 32
677	J. C. Miller Furniture Co.	42 22
677	R. W. Miller	35 94
678	Frank Leahy & Co.	22 48
678	H. Louvin	72 62
679	A. H. Weiser	36 80
680	Riley Snook Furniture Co.	41 66
680	W. T. Pares	12 25
681	Mistrot & Co.	35 00
681	T. S. Clark	152 02
683	Rogers & Crowley	25 00
684	Mrs. J. M. Love	15 50
684	C. A. Dahlich	9 75
685	J. W. Greenwood	51 25
685	J. T. Bogard & Sons	27 86
686	F. P. Harrison	89 43
686	Hummon Furniture Co.	38 39
686	J. R. Bell	15 50
687	J. L. Wakefield	6 87
687	A. N. Murray & Co.	414 11
688	L. V. Hinckle	2 65
688	J. D. Freeman	130 00
689	State Lunatic Asylum	70 38
689	Sam C. Bell	15 50
690	Dr. H. B. Ross	25 50
690	Blair Furniture Co.	9 01
691	L. H. Burks & Sons	35 00
691	J. W. Gale	75
692	F. M. Raike	461 10
692	Guinn & Manning	6 00
692	N. R. Hardy	37
767	F. F. Simms	3 95
767	J. W. Mock	12 75
768	Herring & Underwood	15 00
768	J. A. Palmer	17 90
769	Rev. W. C. Friley	12 80

Folio.	Name.	Amount.
769	L. C. Eastham.....	37 85
770	Walter Bell.....	10 20
771	Rev. E. Bointon.....	2 25
772	J. A. Milliken.....	2 00
772	J. H. Smith.....	6 80
773	Memphis Allen.....	14 00
773	Carson Fishing Club.....	34 80
773	H. F. Addicks.....	14 75
773	W. L. Hill.....	4 50
774	A. E. Bush.....	10 00
774	S. G. Gay.....	1 90
775	Howell Mays.....	1 15
775	D. O. Pollard.....	75
777	Black Creek Oil Co.....	11 05
779	Mrs. J. O. Willy.....	75
779	Central Texas 'Phone Co.....	2 40
781	Harris Furniture Co.....	31 47
782	A. A. Allen.....	1 20
784	J. G. Smither.....	1 45
784	G. A. Wynne.....	12 00
785	Dr. J. T. Hendricks.....	3 75
785	Tom Olliphant, Jr.....	4 20
786	J. M. Ashley.....	5 35
787	Ben Herndon.....	95
787	Buck Travis.....	3 50
788	R. L. Farris.....	42 75
788	Felder Dry Goods Co.....	1 00
788	Prof. Joe Prichett.....	3 60
789	A. W. Robinett.....	50
791	S. D. Johnson.....	5 10
794	Walter Lumken.....	3 20
794	W. L. Smither.....	29 01
795	P. Gilbert.....	14 00
796	Murray Lamken.....	2 50
796	A. & J. A. Elkins.....	72 78
797	A. B. Foster.....	23 75
797	T. H. Sandal.....	14 07
797	H. D. Thompson.....	5 00
798	C. E. Jones.....	16 50
798	J. H. Johnson.....	1 65
798	Warden Spear.....	4 95
799	L. B. Lamken.....	25
799	S. Campbell.....	29 86
799	W. G. Barr.....	30 35
799	J. R. Tilley.....	52 95
802	H. I. Perkins.....	15 04
802	Miss T. Olliphant.....	3 00
802	Mrs. D. Eastham.....	203 49
803	Mrs. L. A. Abercombia.....	1 25
803	H. G. Eastham.....	2 50
803	Keeland & Morn.....	153 99
804	G. B. Bowden.....	290 40
804	W. G. Bohannan.....	2 75
804	Walker County.....	335 00
805	Dr. J. W. Thompson.....	1 00
805	Hy. Robinson.....	9 75
806	Fred Smith.....	5 73
806	B. A. Eastham.....	69 60
807	I. & G. N. R. R. Co.....	22 47
807	Mrs. J. B. Lee.....	50
807	R. J. Rhodes.....	1 25

File.	Name.	Amount.
808	W. A. Eastham.....	65 12
808	L. Eastham, Jr.....	8 10
808	B. F. Hopkins.....	4 70
808	Huntsville Laundry.....	7 83
809	J. G. Bowden.....	118 10
809	J. H. Milliken.....	69 34
809	E. Y. Jenkins.....	72 45
799	J. R. Irvin.....	2 00
799	Dr. Eh. Augier.....	3 80
778	B. P. Wilson.....	30 00
586	Whatley & Kempner.....	136 04
585	C. D. Johns.....	1,053 42
587	Mrs. D. Eastham.....	420 01
Total		\$37,825 96

TEXAS PENITENTIARY SYSTEM—ACCOUNTS PAYABLE AT HUNTSVILLE
AUGUST 31, 1910.

Ledger "M."

1	Theo. Keller.....	\$ 2,701 69
5	F. W. Heitman.....	2,439 67
51	C. R. Cunningham Export Co.....	708 81
58	Kirby Lumber Co.....	74
59	Columbia Lumber Co.....	37 93
84	Thompson Tucker Lumber Co.....	1,439 58
90	Tom Padgett Co.....	8,079 80
92	Herron Knox.....	919 05
93	H. D. Cleveland & Sons.....	3,702 09
95	Armour Packing Co.....	12,811 84
98	Houston Packing Co.....	194 62
101	Cooper Grocery Co.....	748 00
102	Jas. Bute & Co.....	716 68
103	Peden Iron & Steel Co.....	6,019 26
103	Peden Iron & Steel Co.....	6,019 26
	Rogers Wade Furniture Co.....	2 03
263	D. J. Jones.....	35 00
265	John Deere Plow Co.....	197 73
269	Rotan Grocery Co.....	494 15
270	Ex. A. H. Pierce.....	27 00
	W. L. McAtee & Sons.....	564 98
274	Gordon Sewell Grocery Co.....	222 55
275	Field & Co.....	103 25
276	B. W. Armstrong.....	637 86
	Reinhart & Schultz.....	117 35
279	Bonner Oil Co.....	679 26
281	Ho. Co. C. & M. Co.....	636 86
283	Swift & Co.....	65 40
285	Bering Cortes Hardware Co.....	296 30
285	Adams Elkins Co.....	738 54
287	Simmons Hardware Co.....	1,009 64
293	Imperial Sugar Co.....	292 00
294	C. P. Jones & Co.....	262 64
303	Burnes Bussick Co.....	207 74
	Simon Bach & Co.....	136 78
	Connors Chemical Co.....	197 39
	Cleveland Varnish Co.....	62 50
	J. D. Fairchild.....	105 21
	Galveston Shoe & Hat Co.....	108 00
	Gullett Gin Co.....	30 00
	Gladewater Lumber Co.....	844 07

Folio.	Name.	Amount.
	Grand Saline Mill & Lumber Co.....	470 40
	Hilgard Lumber Co.....	1,198 43
	Knowles Steam Pump Works.....	8 08
	Magnolia Paper Co.....	193 37
	Maverick Clarke Litho. Co.....	46 85
	Sabine River Lumber Co.....	1,738 51
	Sabine River Lumber & Logging Co.....	871 59
	Sherwin Williams Co.....	30 00
	Slego Iron Stone Co.....	708 51
	Standard Printing & Litho. Co.....	3 25
	The Spool Cotton Co.....	91 50
	Howard Smith Co.....	79 05
	South Texas Imp. & Trans. Co.....	21 08
	J. E. Woodhead.....	8 10
	Whitney Iron Works.....	548 00
	Teolin Pillott.....	12 70
	Cheek Neal Coffee Co.....	57 50
	Rogers, Brown & Co.....	312 50
	McCullough Syrup & Preserve Co.....	515 97
480	E. L. Fellier.....	7 12
482	W. T. Burton.....	25
489	G. W. Eschenberger.....	02
489	Bullock & Jones.....	03
492	Long Leaf Lumber Co.....	40 78
492	W. M. Conroe.....	05
492	Mason Cleveland.....	10
494	Orange Furniture Co.....	1 96
507	E. Miller.....	20 00
508	G. L. Wharton.....	2 77
512	Anderson Hardware Co.....	02
514	Nash Robbins Co.....	20
524	Jos. F. Meyer Co.....	125 74
524	Otto Gerdan Co.....	84 60
532	W. C. Bergs.....	05
537	T. B. Wesstendorf.....	378 87
537	W. Y. Hager Iron Co.....	686 17
537	Wharton Wholesale Grocery Co.....	177 83
538	Tel. Electric Co.....	209 27
539	Rome Hemstone & Co.....	289 30
539	Geo. A. Rubleman Hardware Co.....	23 50
540	Pittsburg Glass Co.....	98 23
540	Payne & Joubert.....	1 80
540	Norvin Shapleigh Hardware Co.....	305 03
543	Merry Optical Co.....	20 25
544	Interstate Electric Co.....	108 82
545	Houston Drug Co.....	27 90
546	Grand Rapids Brass Co.....	18 90
547	J. A. Fay & Eagan Co.....	5 76
550	Bering Manufacturing Co.....	97 60
551	A. A. Aloe Co.....	20 85
553	Fairbanks Co.....	144 11
553	Hancock Bros. Co.....	912 50
553	R. C. Miller Lumber Co.....	483 69
555	Wisco Supply Co.....	4 50
566	Harris-Lipsitz & Co.....	414 15
567	Ho. Car Wheel & Mch. Co.....	23 10
569	Street & Graves.....	75 00
569	S. T. Swinford & Co.....	460 00
579	B. F. Avery & Sons.....	426 77
580	Detroit Leather Co.....	9 38
581	Dallas Buggy & Wagon Co.....	1 00

Folio.	Name.	Amount.
581	Drummond Manufacturing Co.....	96 09
592	Hughes Bros. Manufacturing Co.....	180 51
618	W. H. Ford.....	28
638	J. G. Ashford.....	16 70
645	Carrie L. Young.....	2 25
658	Mrs. Dan Jackson.....	20 75
670	T. & P. Coal Co.....	50
683	R. G. Moon.....	42 00
685	Texas-Portland Cement Co.....	72 15
685	Jesse M. Brown.....	2 03
686	Mrs. F. W. Starr.....	15 00
689	Mrs. Joe B. Laphun.....	20 75
691	Jno. R. Holsen.....	20 75
691	G. D. Walker.....	49 90
692	D. A. Duffy & Co.....	17 00
806	N. Y. Dry Goods Co.....	1 79
659	W. G. Massenbergl.....	15 75
665	A. B. Davidson.....	15
679	L. W. Grover.....	17 00
Total		\$62,293 10

TEXAS PENITENTIARY SYSTEM—ACCOUNTS RECEIVABLE AT RUSK
PENITENTIARY AUGUST 31, 1909.

Huntsville Penitentiary, "current account".....	\$ 3,363 43
St. L. & S. W. Ry. Co., "claim".....	25 96
City of Roswell.....	1,566 96
T. & N. O. Ry. Co.....	264 00
Powell-Simmons Lumber Co.....	152 89
W. T. Weaver.....	167 55
W. T. Norman.....	3 70
R. L. Fillyaw.....	1 00
J. H. Odom.....	3 00
Neeley & Capeland.....	10 80
New Birmingham Brick Co.....	26 00
Chapman & McDonald.....	3 45
Hamilton & Bagley.....	6 00
C. T. Newman.....	1 00
J. T. Pryor.....	8 41
Eagle Lumber Co.....	115 21
Simmons Hardware Co.....	41 03
Hardwich F. & M. Co.....	311 52
Sam D. Goodson.....	25 00
Bills receivable.....	549 00
City of Dallas.....	714 43
Ben Acker.....	35
J. H. Duncan.....	3 00
F. N. Duckett.....	1 40
D. M. Cleod.....	55 00
H. S. Quinn.....	61 30
W. M. Glenn & Co.....	22 50
Dickson Car Wheel Co.....	258 54
Caldwell City Water Works.....	7 26
Hogan & Thomas.....	2 10
City Lumber Co.....	28 57
Rusk Public School.....	12 00
Thompson-Tucker Lumber Co.....	29 25
Southwestern Supply Co.....	211 13
City of Longview.....	96 10
W. H. Brown, Transfer Agent.....	2 25

El Paso Foundry & Machine Co.....	289 95
San Antonio W. Supply Co.....	626 98
Texas & Pacific M. & M. Co.....	422 25
T. B. Keasler.....	12 50
City of Kaufman.....	518 07
Peden Iron & Steel Co.....	218 54
F. W. Heitman Co.....	782 66
McAlester Fuel Co.....	17 80
D. R. Boone.....	134 38
Total	\$11,174 22

TEXAS PENITENTIARY SYSTEM—ACCOUNTS PAYABLE AT RUSK
AUGUST 31, 1909.

Guinn & Manning.....	\$ 19 24
Tom B. Mallard.....	8 40
Summers Merc Co.....	2 21
Cannon & Chandler.....	1 20
Bonner Oil Co.....	6 88
Central Coal & Coke Co.....	103 04
Southwestern Fuel & Mfg. Co.....	166 75
Westinghouse Air Brake Co.....	72 00
Hobson Electric Co.....	109 13
The Young & Vann Co.....	40
H. Channon Co.....	11 25
Elliott Frog & Switch Co.....	176 95
M. P. Exline Co.....	14 00
W. H. Oakley.....	300 00
R. D. Wood & Co.....	280 27
J. L. A. Thomas.....	4 18
Armour Packing Co.....	597 40
Texas Portland Cement Co.....	174 03
Caldwell-Watson F. & M. Co.....	3,030 00
Wallace Hardware Co.....	19 10
Total	\$ 5,096 33

TEXAS PENITENTIARY SYSTEM—HUNTSVILLE ACCOUNTS AND NOTES
RECEIVABLE DROPPED FROM THE RECORDS OF THE SYSTEM.

J. D. Hollingsworth.....	\$ 16 76
R. G. Brown.....	81 06
C. E. Held.....	7 97
Phill Hobbs.....	11 37
A. L. Lipscomb "C. O. D".....	3 80
A. B. Ireson.....	9 84
Milliken & Wamble.....	130 26
L. B. Menifee Lumber Co.....	38 00
Jno. Palmer.....	4 25
B. F. Parker.....	90
H. W. Hardy.....	9 60
Brown & Downs.....	15 00
J. G. Payne.....	3 00
Tucker, Sharpe & Co.....	3 50
J. H. White.....	5 50
National Lumber Co.....	6 00
V. F. Strickland.....	4 65
Wm. Payson.....	18 00
Appleby Gin Co.....	3 00
Jno. E. Hill.....	1 20

J. H. Dunlap.....	4 55
F. W. Smith.....	3 00
Daniel & Burton.....	2 43
Capt. W. J. McDonald.....	10 00
J. W. Thomas.....	2 80
Jno. E. Monk.....	1 75
J. H. Hosea.....	5 90
J. W. King.....	3 00
A. B. Yelverton.....	3 95
E. Powell.....	35
Austin & Riley.....	13 75
C. H. Findley.....	4 88
David Kelley & Sons.....	4 00
Dr. J. T. Harrington.....	47 75
F. P. Hill.....	4 12
J. J. Brooks.....	3 25
Seyver Bros.....	60
Bryan Lumber Co.....	1 50
J. D. Weaver.....	13 05
H. Schuecker Oil Co.....	9 16
J. M. Doliver.....	1 00
Geo. A. Branch.....	20 26
S. L. Lewis.....	1 50
Hugh L. Barden.....	6 00
Joe A. Russ.....	10 00
W. M. Forrest.....	7 00
E. L. Wilson Hardware Co.....	43
W. C. Jones.....	3 95
F. F. McKenneck.....	3 86
Albert Chimene & Co.....	813 91

All these Huntsville items were dropped during years 1904-1906.

Mrs. J. Jefferson.....	3 00
Jobe C. Reeder.....	17 00
Jno. M. Garner.....	10 60
B. A. Platt.....	75
W. H. Clark.....	3 00
Levy Garrett.....	5 00
W. H. Smith.....	87 82
Citizen Light Co.....	19 00
Jno. F. Naler.....	495 32
Adams-Burks-Simmons Co.....	231 28
Empire Furniture Co.....	103 00
C. L. Vickers.....	548 15
E. H. Cunningham & Co.....	75 00
D. Youens & Co.....	7 55
Frank Stephens & Co.....	4 32
Cunningham Sugar Co.....	96 00
H. Rader.....	6 50
J. A. Stoneham.....	2 00
H. E. Henderson.....	56 00
C. C. McRae.....	2 75
Ludecker Bros.....	5 85
L. D. Callaway.....	72 81
C. A. Bryant & Co.....	12 51
Anderson-Evans & Evans.....	47 37
M. L. Barthelmew.....	138 00
Jno. C. Williams.....	45 00
H. L. Milliken.....	1 75
Neely & Copeland.....	47 00
Darlington Miller Lumber Co.....	20 03
E. F. Dupree.....	15 00

Orange Furniture Co.....	59 80
Conroe Lumber Co.....	6 70
E. Cruse.....	10 75
Pittsburg Plate Glass Co.....	2 50
Smith & Dean.....	38 89
Farris & Spence.....	20 98
Hin & Hardy.....	11 35
G. H. Henchman Co.....	31 34
Gulf Refining Co.....	22 20
W. O. Phepps.....	50 50
E. N. Quamer.....	121 89
Thos. H. Snow.....	105 37
Nacogdoches Meh. Co.....	6 90
W. T. Craig.....	5 81
Lee Johnson.....	20 15
State Purchasing Agent.....	349 34
B. M. Comer.....	57 70
E. G. Cude.....	5 65
Jas. Owen & Co.....	44 11
A. B. Spratt.....	4 50
Deaner & Ewing.....	4 50
A. J. Ogburn.....	7 69
Jno. E. Hill.....	7 05
Equitable Mining Co.....	250 00
W. T. Pace.....	4 60
Snow & Harold.....	89 60
W. E. Cannon.....	2 76
J. M. Tague.....	2 71
Sam Lucas.....	1 15
Thos. Breene.....	52 37
Q. F. Walker & Son.....	23 87
H. C. Hunt.....	2 70
Pine Island Lumber Co.....	20 04
E. B. Harold.....	12 85
Texas Tie & Lumber Co.....	103 30
M. Bird.....	3 30
J. T. Christian.....	31 60
Geo. T. Garvin.....	17 68
Father A. Bierly.....	1 50
R. Herndon.....	1 45
R. O'Hara.....	60
C. C. Mortienner.....	28
Josey Grain Co.....	3 50
J. Y. Moxley.....	4 46
R. E. Holland.....	5 12
W. M. Brooks.....	6 30
J. W. Robinett.....	14 00
Sing Campbell.....	169 11
Walker County.....	8 15
W. T. Smither.....	1 75
J. L. Wakefield.....	22 08
W. S. Clark.....	1 25
Mrs. Mary Fincher.....	75
Wells Fargo Express Co.....	4 00
Mrs. L. A. Abercromba.....	1 50
Mrs. J. M. Smither.....	1 00
E. H. Robinson.....	2 50
Huntsville Laundry.....	75
V. H. Pace.....	3 50
W. H. Eastham.....	50
W. T. Smither.....	1 50
E. L. Angier.....	1 00

W. M. Barrett.....	26 00
I. & G. N. Railroad.....	1 50
Calhoun Wilson.....	15 00
Ed Caldwell.....	8 00
Miss Willie Morgan.....	75
Mrs. L. Farmer.....	35
Will Barrett.....	1 50
Prof. Calhoun Wilson.....	35
A. A. Keisler.....	6 00
W. E. Smither.....	3 90
Ed Mark.....	35
Mrs. J. A. Wiley.....	25
Robt. Smither.....	2 85
R. J. Cunningham.....	1 50
Mrs. M. S. Parish.....	40
M. Broadneck.....	50
J. E. Allen.....	40
Preston Wilson.....	2 80
Hub Eybert.....	3 00
A. Keisler.....	1 25
Mrs. Suekeep.....	1 25
R. H. Cabiness.....	2 30
J. G. Smither.....	25
E. T. Josey.....	11 25
Alec Traylor.....	7 36
Buck Travis.....	51 75
Ely Douglass.....	3 75
J. B. Jones.....	2 15
B. J. Cunningham.....	40 61
Kelland & Morse.....	2 10
Walter Smither.....	1 38
Traylor & McClintock.....	50 76
Jno. C. Williams.....	2 90
V. H. Pace.....	2 50
W. Josey.....	2 50
Green & Davis.....	75
W. H. Roberts.....	53 24
J. D. Walker.....	2 50
C. C. Murray.....	22 05
Hill Merc. Co.....	7 65
Trinity Commandery.....	1 00
J. O. Wiley.....	6 90
W. O. Leigh.....	4 50
A. T. McKennon.....	54 38
R. R. Lockett.....	5 00
Jno. McCaffety.....	24 10
I. & G. N. Railroad.....	7 45
Huntsville Fruit & Canning Co.....	65 07
J. E. Caldwell.....	3 48
C. Burdeaux.....	2 00
T. F. Sims.....	12 72
R. O. Johnson.....	30 45
Geo. W. Grant.....	259 50
W. L. Hill.....	40 55
E. L. Angier.....	13 80
Tom Fitts.....	1 75
J. C. Randolph.....	4 20
W. E. Washaw.....	37 25
J. M. Randolph.....	1 65
J. B. Hendrix.....	1 50
A. J. Ward.....	23 60
F. B. Round.....	19 95
E. L. Parish.....	1 25

Mrs. Lee Spence.....	25
Palmetto Lumber Co.....	7 79
Red River Lumber Co.....	141 75
Tod Robinson.....	10 90
Jno. B. Peyton.....	13 00
E. A. Hudson.....	42 51
F. M. Phillips & Son.....	82 15
Foster Lumber Co.....	30 00
Columbia Lumber Co.....	307 89
West Lumber Co.....	5 01
S. E. Barnes.....	1 00
Ranger Hardwood Export Co.....	58 00
J. Maxley Pace.....	76 19
Newton & Simmons.....	385 63
Rogers Wade Furniture Co.....	128 25
J. C. Davis.....	38 78
Jackson Bros.....	7 82
E. Mainer & Son.....	8 15
T. J. Peel.....	6 97
Empire Furniture Co.....	87 63
J. G. Smith & Bros.....	1 00
Mayfield Alford Co.....	15 20
G. Herman & Sons.....	176 06
A. S. Garrett & Son.....	72 00
Ellison Furniture & Carpet Co.....	201 61
J. C. Hill Lumber Co.....	29 10
Will Conroe.....	8 00
Wm. Ills.....	15 50
Jno. M. Simpson.....	15 50
Smith Palmer Machine Co.....	101 36
Harding Kauffman Imp. Co.....	14 03
Bond Turner Hardware Co.....	101 99
W. H. Davis Furniture Co.....	14 25
R. T. Dennis & Co.....	16 75
A. H. Wooters.....	21 00
E. N. Quallinn.....	3 67
Stephenson Mch. & Repair Co.....	11 82
Davis & Barron.....	3 05
T. A. Marek & Co.....	260 80
Long Leaf Lumber Co.....	5 00
S. T. Allen.....	7 61
J. L. Furgason.....	3 35
W. L. Thomas.....	2 00
J. R. Brooks.....	6 90
Menz & Elkins.....	9 40
W. P. Branch.....	294 00
W. J. Dougherty.....	1 82
Texas Railroad Co.....	50 50
W. J. Long.....	14 30
J. M. Dolive.....	21 90
Sellerman Hardware Co.....	4 50
E. J. Dupree.....	115 58
Jacksonville Electric Light Co.....	30 57
A. E. King.....	3 00
M. Huntington.....	785 15
Howard Smith Co.....	668 30
World's Fair, St. Louis.....	1,708 20
Sundry old accounts (see led. J, folio 816).....	717 68
Jim McMurray.....	296 08
T. P. Holland.....	12 50
H. L. Borden.....	15 50
J. M. Broyles.....	7 90
W. T. Strange.....	7 50

Turner Gibson.....	6 00
Mrs. Laura Boykin.....	3 12
C. L. Norsworthy.....	18 00
J. G. Bowden.....	269 82
Pacific Express Co.....	96 00
J. G. Smither.....	75
Star Tailors.....	30
W. L. Smither.....	6 00
Dr. J. P. Hendrix.....	12 40
Dr. J. W. Thomason.....	1 00
Sing Campbell.....	16 87
F. O. Brown.....	1 00
J. R. Tilley.....	5 00
W. L. Hill.....	74 00

BILLS RECEIVABLE.

Eddy Bros., balance.....	\$ 199 22
Eddy Bros.....	269 10
Eddy Bros.....	270 94
A. W. Johnson.....	187 10
Milliken & Wamble.....	382 19
Harding Kauffman Co.....	3 09
Killingsworth & Zeigler.....	61 01
M. Blumm.....	39 50
F. B. Henderson.....	78 63
Wm. Stephens.....	66 75
Wm. Stephens.....	26 75
Fosgard-Waters Co.....	248 95
D. H. Peverly.....	44 75
W. W. Frally.....	25 75
Ward & Sneed.....	70 65
Ward & Sneed.....	70 60
D. S. Chandler & Co.....	4 55
D. S. Chandler & Co.....	76 87
W. H. Campbell.....	342 54
Milledge & Calhoun.....	221 45
Milledge & Calhoun.....	222 93
S. Hardy.....	70 50
D. S. Sublett.....	50 00
J. R. Patton & Bro.....	110 20
Warren Lumber Co.....	226 30
R. H. Patterson.....	55 00
R. H. Patterson.....	100 00
R. H. Patterson.....	129 00
R. H. Patterson.....	129 00
W. J. Williams.....	605 31
Dallas Construction Co.....	223 00
Dallas Construction Co.....	223 00
W. H. Ross.....	535 00
Monterey Refg. Co.....	410 00
Dallas Construction Co.....	2,100 00
Dallas Construction Co.....	2,100 00
J. A. Thomason, Jr.....	236 00
J. J. Abernathy.....	43 95
M. P. Riley.....	450 00
M. P. Riley.....	600 00
M. P. Riley.....	600 00
Dallas Construction Co.....	685 08
Dallas Construction Co.....	1,887 50
Palmer & Kyle.....	82 25
W. J. Williams.....	400 00
W. J. Williams.....	600 00

D. M. Angle.....	108 93
D. M. Angle.....	110 00
H. H. McConnell.....	88 50
E. S. Randle.....	150 00
Leon Levy.....	46 00
N. A. Hickey.....	147 25
Maurier & Medley.....	16 55
T. J. Reals.....	27 45
J. D. Browder.....	45 20
T. S. Sloan & E. T. Walker.....	26 90
Terrell Light & Water Co.....	1,000 00
Terrell Light & Water Co.....	1,000 00
Terrell Light & Water Co.....	1,000 00
Terrell Light & Water Co.....	1,000 00
Terrell Light & Water Co.....	1,000 00
G. W. Singletary.....	37 45
R. J. Hopheinz.....	63 65
R. J. Hopheinz.....	529 25
R. J. Hopheinz.....	230 27
R. J. Hopheinz.....	230 27
R. J. Hopheinz.....	230 26
W. Elliott.....	69 52
B. B. Kimble.....	87 90
R. J. Hofheinz.....	579 12
R. J. Hofheinz.....	579 13
Jno. D. Flewellyne.....	400 90
Jno. D. Flewellyne.....	400 90
Jno. D. Flewellyne.....	594 36
Jno. D. Flewellyne.....	400 90
Lee Krishel.....	277 00
Bowlen & Allen.....	3 30
A. V. Fellings.....	200 00
A. V. Fellings.....	200 00
R. H. Ward.....	278 00
R. H. Ward.....	278 00
J. M. Palmer, Jr.....	14 25
B. E. Moore.....	69 70
J. L. Bates.....	381 95
Uvalde Water & Ice Co.....	6,854 78
Reed & Conway.....	25 00
J. E. Hollingsworth.....	10 82
Milo Bletch.....	13 11
Milo Bletch.....	13 00
J. A. Rosamond.....	34 85
K. H. Richards.....	43 88
K. H. Richards.....	93 88
W. A. Fink, "3".....	671 40
Total accounts and notes receivable dropped.....	\$49,449 55

LESS ACCOUNTS PAYABLE DROPPED

Houston County Mill & Mfg. Co.....	\$ 22 53
Long Leaf Lumber Co.....	40
E. G. Jenkins.....	228 52—
Net total.....	251 45
Net total.....	\$49,198 10

TEXAS PENITENTIARY SYSTEM.—RUSK ACCOUNTS DROPPED FROM
THE RECORDS OF THE SYSTEM.

DEBIT.

J. M. Noel.....	\$ 118 64
F. Kavanaugh.....	576 96
Lufkin Foundry & Machine Co.....	113 33
A. B. Ireson & Co.....	50
T. J. Ahrens.....	7 43
J. T. Gibson.....	1 38
H. Witcher.....	322 26
J. R. Grogan.....	40
L. C. Casprony.....	28 42
W. A. Crouch.....	32 25
Wherrg Bros.....	9 30
Geo. D. Neely.....	14 26
J. E. Bagley.....	653 35
T. P. O'Brian.....	14 45
R. B. Reagon.....	42 53
E. S. Stalree.....	64 05
O'Brian & Trebble.....	144 06
J. W. Holcomb.....	4 75
James I. Perkins.....	16 50
R. S. Vanway.....	87 50
F. Heirman.....	200 00
Beaumont Iron Works.....	216 00
Z. P. Deideriek.....	200 00
Beuer Bros. & Co.....	55 00
Chas. Weems.....	3 50
Perkins & Bonner.....	9 00
R. C. Storrill.....	69 29
W. M. Mathews.....	78 80
Berkshire & Co.....	107 57
T. M. Moore.....	13 90
J. D. O'Dell.....	6 50
Reeves & Evans.....	37 15
Williams & Paish.....	92 51
Vernon Ice, Light & Water Co.....	342 55
Thomas & Comer.....	6 30
M. B. Sellman.....	68 74
O'Brian & McNeal.....	13 47
Wm. Taylor.....	5 00
Joe O. Jones.....	21 70
E. C. Dickenson.....	130 81
R. F. Russell.....	55 25
W. P. Long.....	30 05
N. G. Kittrell.....	12 00
Dan Kendricks.....	15 00
Austin Kennedy.....	30 00
S. O. Boyles.....	6 20
W. F. Highsmith.....	36 95
C. Fuqua.....	13 15
R. B. Copland.....	18 47
C. R. Morly.....	2 50
W. Beauchamp.....	25 83
T. J. Roywood.....	52 30
W. H. Reeves.....	46 90
Thos. Newman.....	27 82
R. Eavant.....	5 50
W. H. Spinks.....	5 25
Jesse Mosely.....	18 00
E. S. Rowland.....	3 50
N. Bermingham Lumber Co.....	42 70

Burch & Purs	140 00
Dallas Construction Co.	8,080 47
J. W. Francis	127 00
Geo. B. Engledon	25 50
W. T. Guinn	30 65
C. M. Burges	1 15
A. R. Moore	15 32
R. H. Lee	36 87
M. Lipsitz	328 96
Taylor Water Co.	292 95
M. Bramberry	40 78
J. H. Thorne, Manager	313 32
Ira Evans	16 37
Robt. Kercheval & Co.	128 84
E. W. Herrington	15 13
Jas. P. Douglas	56 79
W. B. Wherry	20 75
W. E. DeLong	1 35
Bryan Water, Ice and Light Co.	234 97
Ripley & Bronson	6,170 49
City of Oak Cliff	817 98
T. W. Lake	8 35
Geo. L. Spears	4 10
W. F. Lewis	209 16
S. Abram	15 92
T. P. Roberts	1 90
J. H. Sammers & Bro.	4 84
M. and S. Munzenbamer	33 86
Dr. J. E. May	5 62
L. W. Atwood	16 77
Jno. A. Young	60
Frank Grobagrash	10 00
W. T. Halcomb	1 00
T. A. Hamason	4 50
G. H. Matley	3 40
Gell Plumbing Co.	4 58
Morris Plumbing and Supply Co.	16 76
Crumley & Morris	3 30
Cape Bros	3 50
Dickson Car Wheel Co.	539 20
Thos. Miller	14 66
J. S. Danlay Hardware Co.	4 95
J. P. Davis	48 59
Hodges & Morris	12 60
W. M. Townsend	69 57
Hughes & Roach	18 50
J. P. Allen & Co.	3 00
J. Martin	11 34
A. Blerens	24 70
G. M. Stone	5 60
E. A. Frazier	16 67
Hetherington & Mason	1 89
R. C. Adams	41 61
J. M. Carter	305 14
T. & S. E. R. R. Co.	19 42
City of Hillsboro	19 34
W. H. Bonner	1 50
City of Bonham	3 14
J. W. Ronssells	7 35
J. E. Binkley	18 49
Ben Wolinsky	9 15
G. R. Burrows	18 40

W. E. Hunt.....	7 85
T. J. Word.....	48 65
Kavanaugh F. and M. Co.....	37 04
E. W. Ashworth.....	8 50
W. F. Tashong.....	6 00
J. T. Wiggins.....	92 04
Confederate Home.....	411 03
Hub Guinn.....	50
Jud Payne.....	50
W. W. Welsh.....	8 85
T. A. Herndon.....	25
C. M. Tantom.....	25
R. S. Maxwell.....	75
C. Martin.....	50
W. Y. Young.....	1 50
Knox Overton.....	1 50
Wightman Smith.....	1 00
M. S. Mackelroy.....	75
David & Chase.....	4 50
H. Williams.....	30
Mr. Crouch.....	50
B. D. Ford.....	75
S. H. Eordamon.....	1 35
W. H. Pearson.....	2 25
W. H. Reeves.....	50
Mrs. Philles.....	75
R. S. Finley.....	1 25
Oscar Hooper.....	65
Turner Dixon.....	25
Mrs. Perkins.....	15
Morris Smith.....	25
Pick Lacey.....	25
Miss Parish.....	25
Jno. Pride.....	25
Ed Bales.....	25
W. H. Wallace.....	50
Thos McCord.....	25
Edgar A. Barton.....	30
A. J. Cushings.....	10 64
R. E. Finley.....	40
J. B. Long.....	11 20
J. B. Long.....	4 15
Deveranx Boliver Drug Co.....	4 50
Chas. Vining.....	2 50
F. T. Hooper.....	3 00
Jno. Cleborne.....	1 00
A. B. Blevens.....	4 75
R. A. Norris.....	50
J. W. Moore.....	1 50
Chas. Mallard.....	25
Thos. Casey.....	2 50
Jack Clark.....	50
Henry Watson.....	25
R. C. Tucker.....	25
Halbert Comb.....	1 00
W. H. W. Smith.....	1 50
Chamberger & Sons.....	35 00
Black, Powell & Co.....	75
M. E. Day.....	25
W. H. Wallace.....	25
A. M. Vining.....	25
Prvine Bros.....	1 00

Albert Prost.....	12 65
Jim Irvin.....	1 40
Frank King.....	25
Kelton, Sten & Co.....	7 72
Dr. J. E. Johnson.....	75
J. B. Harks.....	6 00
W. N. Alexander.....	7 75
J. M. Broyles.....	1 50
A. M. Munson.....	36 20
W. T. Halcomb.....	15 20
E. S. Balton.....	2 25
Hocker & Griffith.....	12 14
C. S. Allen.....	5 98
Daniel & Burton.....	3 60
Walker & Harp.....	22 99
C. P. Engdohl.....	26 80
J. M. Wallace.....	3 15
M. Schneider.....	36 98
J. E. Hollinsworth.....	15 00
Osborn & Huggins.....	20 18
H. McCollins Co.....	25 16
J. W. Heroldson & Co.....	17 22
G. B. Woods.....	20 37
Wooldridge & Albers.....	12 00
Thos. Miller.....	112 54
W. L. Lubbock.....	32 92
Frank Chase.....	3 55
Alto Phone Co.....	5 06
Jno. Weightman.....	2 75
Foster & Stockton.....	01
Redwater Lumber Co.....	5 00
R. T. Dennis.....	75
Rusk Brick Manufacturing Co.....	1,019 64
H. B. Beauchamp.....	4 85
City of Terrell.....	1 85
M. H. Kelly.....	204 39
Fort Worth Iron Supply Co.....	80
E. C. Agnew.....	45 70
W. W. Wallace.....	25
Jno. McConnell.....	9 75
Mr. Vaughn.....	30
C. H. Wilson.....	2 00
Edwin Nicholson.....	1 50
L. J. Sliff.....	35 34
Ben Pryor.....	13 80
Boone & Peterson.....	1 25
Wiggins & Welch.....	203 33
Ambrose Johnson.....	65
Green & Green.....	4 08
J. H. Jayron.....	05
A. B. Ireson.....	58 96
J. F. Croley.....	84 09
Jno. H. Reagan.....	16 90
Nacogdoches Machine Co.....	20 30
Chas. Newton.....	1 20
Rusk Electric Light Plant.....	17 00
J. H. Dodge & Son.....	88 12
J. H. Allen.....	125 75
W. J. Chandler.....	2 10
Arkansas Lumber Co.....	5 00
Thos. Brun.....	3 95
Newt Miller.....	1 05

REPORT OF PENITENTIARY INVESTIGATING COMMITTEE.

49

C. B. Powell.....	40
Towne & Robinson.....	25 00
Jno. McKener.....	10
F. E. Blakley.....	25
Heidenkamp.....	20
Will Loyd.....	20
W. W. Williams.....	10
The Press Journal.....	50
Angelina County Lumber Co.....	55
C. R. Jolly.....	25
W. E. Mellsted.....	25
W. F. Hughes.....	50
Texas Fan Co.....	6 00
J. H. Meeks.....	01
Greggord Bros.....	3 25
B. B. Perkins.....	5 25
E. A. Frazier.....	45
Heatherly & Bumpas.....	21
Sam J. Smith.....	7 00
Huddleston & Holbert.....	6 00
L. W. Tuttle.....	75 35
Pinkham & Vanallen.....	43 47
Joe Copeland.....	1 50
J. F. Smith & Bro.....	54 98
McConnell Hardware Co.....	8 88
Total.....	<u>\$26,056 63</u>

CREDIT.

City of Austin.....	\$ 81 72
J. O. Cogwell.....	80
S. Gibbs.....	50
Galveston Water Works.....	26 42
S. E. Howard.....	01
W. J. Latham.....	01
John Guinn.....	07
Com. Oil Co.....	01
Bagley & Wallace.....	30
G. G. Keller.....	10
J. L. Frrar.....	15
Casner & Tucker.....	03
T. H. Cobbel.....	01
Ft. Worth City Water Works.....	75
M. J. Holt & Co.....	1 20
R. J. Stewart.....	65
J. W. Goulden.....	10
F. F. Hudson.....	02
Hobb Guinn.....	50
Briggs Machine & Supply Co.....	86 20
Whiteman Decker L. Co.....	1 00
Summers & Mussick.....	02
Total.....	<u>\$ 200 57</u>

RECAPITULATION.

Accounts prior to November 1, 1900, dropped.....	\$23,337 70
Accounts since September 1, 1901, dropped.....	2,718 93
Total.....	<u>\$26,056 63</u>

All these Rusk accounts were dropped from the books September 1, 1907.

JOURNAL

OF THE

PROCEEDINGS

OF THE

PENITENTIARY INVESTIGATING COMMITTEE

Appointed by the Thirty-first Legislature of the State of Texas

MEMBERS:

SENATOR F. C. WEINERT.

SENATOR CLAUDE HUDSPETH,

SENATOR D. A. PAULUS,

SENATOR W. J. GREER.

REPRESENTATIVE C. E. GILMORE,

REPRESENTATIVE BROWNE F. LEE,

REPRESENTATIVE JENS MOLLER,

REPRESENTATIVE W. O. STAMPS,

REPRESENTATIVE J. R. BOWMAN.

PROCEEDINGS.

THURSDAY, JULY 15, 1909, AT AUSTIN.

MORNING SESSION.

The committee to investigate the State penitentiaries met in its first session, as per agreement, in the Capitol at 10:30 a. m., July 15, 1909, Senator Weinert, Chairman of Senate Committee, presiding, and there were present Senators Weinert, Hudspeth, Paulus and Greer, and Representatives Gilmore, Lee, Moller and Stamps; Representative Bowman being absent on account of sickness, Senator Paulus acted as temporary secretary.

Representative Gilmore read the legislative act creating this committee and providing for the investigations to be conducted by it.

Upon motions duly made, seconded and carried, the committee proceeded to organize by electing Mr. Gilmore as its chairman, and Mr. Weinert vice-chairman.

Upon motion duly made, seconded and carried, the committee went into executive session for the purpose of discussing questions as to preliminaries.

The secretary was instructed to notify Superintendent Herring and Penitentiary Financial Agent Haynes that the committee would like for them to meet with the committee on Friday, the 16th.

Upon motion duly made, seconded and carried, it was decided to elect a stenographer who should also serve as secretary to the committee, and the following resolution, offered by Mr. Lee, was adopted:

"Resolved, That all stenographers, clerks and employes, employed by this committee, may be discharged at any time by a majority vote of said committee."

It was voted that the stenographer should be a male, compensation to be fixed later.

Adjournment until 2 p. m.

AFTERNOON SESSION.

The committee met at 2 p. m., and after hearing applications for the position of secretary and stenographer, passed the following resolution:

"Resolved, That we employ W. H. Long as secretary and stenographer to this committee at a salary of \$5 per day and railroad fare and hotel expenses during his employment, he to perform such services as may be required by the committee or any of its members."

The committee also passed the following resolution:

"Resolved, That the testimony taken by this committee be all reported verbatim, and that the secretary and stenographer to this committee be required to transcribe the same and make nine copies thereof, one for each member of this committee, and that the secretary and stenographer be required to transcribe said testimony as soon after same is taken as is convenient.

Mr. C. H. Winterhalter and Mr. G. R. Kidd, of the firm of Winterhalter & Kidd, Expert Accountants (second floor Binz Building), of Houston, Texas, appeared before the committee in reference to their qualifications as expert accountants and also discussed with the committee the matter of the cost of auditing the books of the penitentiaries of the State. They stated their prices to be \$20 per day for man in charge and \$12 per day for each assistant.

It was decided by the committee to defer action in the matter of employing expert accountants until a later time.

Mr. Lee moved that a committee of two be appointed by the chairman to notify the Governor that this committee is organized and to ask him if he had any suggestions to make.

Motion seconded by Mr. Stamps, and duly carried. The chairman appointed Messrs. Lee and Stamps on the committee.

In response to the invitation Governor Campbell appeared before the committee, and the balance of the afternoon was spent in an informal discussion of the methods that the committee should pursue in order to make a complete and thorough investigation.

The committee adjourned until tomorrow morning at 9 o'clock.

FRIDAY, JULY 16, 1909, AT AUSTIN.

MORNING SESSION.

The committee met at 9 a. m., pursuant to adjournment, Chairman Gilmore presiding, and all members present except Representative Bowman, absent on account of sickness.

It was resolved by the committee that, in accordance with the law creating it, all witnesses appearing before the committee should testify under oath, and that the stenographer should keep a verbatim stenographic record of all testimony adduced.

It was duly moved, seconded and carried that Mr. Lee and Senator Weinert should interrogate the witnesses appearing before the committee on behalf of the committee as a whole, but that any member should have the privilege of asking any question he might see fit to propound.

The committee next proceeded to examine Witness Capt. J. A. Herring, Superintendent of Penitentiaries.

It was duly moved, seconded and carried that Captain Herring should be requested to spend as much of his time with the committee during its sessions as his future engagements may permit.

The committee adjourned until 2:30 o'clock.

AFTERNOON SESSION

The committee met at 2:30, and the chairman, Mr. Gilmore, administered the oath to the stenographer of the committee, swearing him to well and truly take down all testimony adduced before the committee and to correctly transcribe same.

On motion of Mr. Lee, the following resolution was read and unanimously adopted by the committee:

"Resolved, That the Penitentiary Investigating Committee requests any citizen of the State of Texas who knows of any mismanagement of the affairs of the penitentiary system of this State in any of its branches, whether said mismanagement relates to either the financial affairs of said penitentiary system or to the treatment of the inmates of said penitentiaries, to file formal charges of such mismanagement or furnish to the committee such reliable information as will assist them in making a full, complete and fair investigation, and that the press of the State be requested to give as much publicity to this as possible."

The committee next proceeded to examine Witness J. C. Haynes, Financial Agent of Penitentiaries.

The committee adjourned until 9 o'clock tomorrow morning.

SATURDAY, JULY 17, 1909.

MORNING SESSION.

The committee was called to order at 9 o'clock a. m., Vice-Chairman Weinert presiding.

Mr. Gilmore reads to the committee a letter received from Mr. M. M. Hannah, and also one from the Corporation Audit Company, both of Dallas, Texas,

stating their qualifications and prices as expert accountants. The committee instructed the chairman to answer each letter, stating that if the committee decided to employ an expert accountant, their application would be given due consideration, the letters being filed with the clerk for reference.

The committee then examined the following witnesses: J. H. Gillespie, General Bookkeeper in the Comptroller's office; B. F. Teague, Chief Clerk in the same office, and Sam Sparks, State Treasurer.

Senator Hudspeth moved that the chairman be instructed to have 1000 letter-heads and a sufficient number of envelopes printed for the use of the committee. Motion carried.

The committee here went into executive session.

The committee moved and carried that the chairman wire Judge W. H. Gill, at Mineral Wells, inviting him to meet with the committee at Austin on Monday next or at Huntsville some time later at his pleasure. The chairman was also instructed to wire Hon. H. B. Terrell, of West, and Hon. Luther Nickels, of Hillsboro, requesting those gentlemen to meet with the committee at Austin on Monday next. The committee also directed the chairman to write to Rev. Jake Hodges and Benton McMillan inviting them to meet with the committee at Huntsville on Tuesday of next week.

Mr. Lee moved that, in the event Senator Terrell and Hon. Luther Nickels do not come to Austin and appear before the committee on Monday next, that the committee issue subpoenas for them to appear at Huntsville. Motion carried.

It was duly moved and carried that the members of the committee should present their expense and per diem accounts to the chairman once a week, on each Saturday.

Mr. Moller offered the following resolution:

"Resolved, That no member of this committee, while absenting himself from same while it is in session, shall be entitled to traveling or other expenses during such absence."

Senator Hudspeth moved to amend the resolution by adding the words "except when excused by a vote of the committee." The resolution as amended was adopted.

Senator Weinert moved that Messrs. Briggs and Finty, newspaper correspondents, be invited to appear before the committee on Monday next.

It was duly moved and carried that when the committee adjourns on Monday next it adjourn to meet on the Tuesday following at Huntsville, Texas, and the clerk was instructed to reserve eight lower berths for Houston on the Houston & Texas Central train leaving Austin next Monday night.

The following accounts were presented to the chairman, Mr. Gilmore, and by him approved:

Penitentiary Investigating Committee—in account with D. A. Paulus:

Four days per diem, up to and including July 17, 1909, at \$5.00 per day	\$20 00
Board, four days, at \$1.50 per day for three days and \$2.00 per day for one day	6 50
Railroad fare	5 95
	<hr/>
Total	\$32 45

In account with W. O. Stamps:

Service four days at Austin, July 14, 15, 16, 17	\$20 00
Railroad fare, Stamps, Texas, to Austin	8 15
Hotel bills, four days	8 00
	<hr/>
Total	\$36 15

In account with F. C. Weinert:

Two days, June 3 and 4, attendance at Austin in consultation with C. E. Gilmore	\$10 00
Hotel bill, one day	4 00
Railroad fare both ways	6 90
Four days per diem attendance, July 14 to 17, inclusive	20 00
Railroad fare to Austin	3 40
Hotel bills, Austin, four days	8 00
Total	\$52 30

That portion of the above expenses incurred in coming to Austin on June 3rd was approved by the committee as a whole on motion, and the same motion was made and carried in references to the expense bill presented by Mr. Gilmore in coming to Austin on that date.

In account with W. J. Greer:

To four days' service, July 14 to 17, inclusive, at \$5.00 per day	\$20 00
Railroad fare from Wills Point to Austin	7 00
Sleeper	2 00
Hotel at Dallas	50
Hotel at Austin	4 50
Total	\$34 00

In account with C. B. Hudspeth:

To fare on stage from ranch to Comstock	\$ 5 00
Railroad fare from Comstock to Austin	8 50
Per diem, seven days	35 00
Hotel bill, seven days, at an average of \$2.50 per day	17 50
Total	\$66 00

In account with Jens Moller:

Services, July 14 to 17, inclusive, four days, at \$5.00 per day	\$20 00
Board and lodging at \$2.50	10 00
Railroad fare from Galveston to Austin, 213 miles	6 40
Pullman sleeping car	2 00
Total	\$38 40

In account with W. H. Long:

Service as secretary and stenographer from July 15 to and inclusive July 17, 1909, at \$5.00 per day, three days	\$15 00
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In account with C. E. Gilmore:

Consultation with Senator Weinert in Austin, June 3 and 4, 1909.	
June 3—To railway fare, Wills Point to Austin	\$ 7 00
Hotel at Dallas	50
June 4, hotel at Austin	1 00
June 4, hotel expenses en route to Wills Point	1 00
June 3, sleeper, Dallas to Austin	2 00
June 4, railway from Austin to Wills Point	7 00
Per diem, two days, June 3 and 4	10 00
Sleeper, Austin to Dallas	2 00—\$30 50

Approved by the vote of committee July 17:

July 14, railway fare, Wills Point to Dallas.....	\$ 1 45	
Railway fare, Dallas to Austin.....	6 25	
Sleeper, Dallas to Austin.....	2 00	
Hotel bill in Dallas.....	65	
July 15, Hotel in Austin.....	50	
July 17, hotel in Austin.....	4 50	
July 15, telegram to J. R. Bowman.....	45	
July 17, telegram from Luther Nickels.....	35	
July 17, four days' per diem, July 14 to 17, inclusive.....	20 00	
		\$36 15
Total		\$66 65

MONDAY, JULY 19, 1909, AT AUSTIN.

MORNING SESSION.

The committee met at 10:15 a. m., all members being present except Senator Hudspeth and Mr. Stamps.

There being no objection Senator Hudspeth was excused, on motion, on account of the sickness of his wife.

Mr. Gilmore reads telegram from Mr. Luther Nickels stating that he could not meet with the committee on July 19th at Austin, but could do so later if agreeable. Mr. Gilmore also read his reply to Mr. Nickels, by wire, suggesting that he meet the committee in Huntsville on the 21st inst.

Mr. Gilmore reads telegram from Judge Gill at Mineral Wells stating that he could not meet with the committee in Austin on the 19th but would meet the committee at Huntsville, also stating that letter followed.

Mr. Gilmore also read letter from Judge Gill asking the committee to name the latest date it could hear him.

Mr. Gilmore was instructed by the committee to write Judge Gill asking if it would be convenient for him to meet the committee at Huntsville this week, and to indicate a day or two in advance what day it would suit him to be there.

Mr. Gilmore read telegram from H. B. Terrell, of West, stating that on account of business engagements he could not meet the committee in Austin on the 19th. Mr. Gilmore read his telegram in reply to Mr. Terrell stating to him that he might meet the committee on July 21st or 22nd in Huntsville.

The committee next proceeded to examine Mr. G. W. Briggs, newspaper correspondent for the San Antonio Daily Express.

During the progress of this examination it was moved that the rule in regard to witnesses be enforced. The motion carried and the rule was then invoked to apply to Rev. Jake Hodges, who was present during the first part of the examination of Mr. Briggs. Rev. Hodges retired.

Mr. Gilmore read telegram from Benton McMillan stating that business prevented his meeting the committee at Huntsville on the 20th, also stating that letter followed.

AFTERNOON SESSION.

The committee met at 2 p. m., and examined Rev. Jake Hodges.

Mr. Gilmore presented bill for telegrams amounting to \$4.14. Bill ordered paid.

The following account of Mr. J. R. Bowman was approved:

July 16, ticket and Pullman, Amarillo to Ft. Worth.....	\$12 10
Hack and supper same day.....	1 00
Ticket and Pullman from Ft. Worth to Austin.....	7 90
Two days' per diem, Friday and Saturday, July 16 and 17.....	10 00
Total	\$31 00

Senator Weinert moves that all witness be paid their railroad expenses and \$1.50 per day while in attendance upon the sessions of the committee.

The following account of Rev. Jake Hodges was approved by vote of the committee:

To railway fare, Marlin to Austin and return.....	\$ 7 00
Per diem, three days at \$1.50 per day.....	4 50
Total	\$11 50

Mr. Luther Nickels at this point appeared before the committee and stated that he had been able to come to Austin from court at Georgetown.

The committee examined Mr. Nickels.

The following account of Mr. Nickels was approved:

Railway fare from Georgetown to Austin and return.....	\$ 1 70
Per diem, July 19.....	1 50
Total	\$ 3 20

The committee adjourned to meet in Huntsville at 1:30 p. m. tomorrow.

TUESDAY, JULY 20, 1909, AT HUNTSVILLE.

AFTERNOON SESSION.

The committee met in a room at the Keep Hotel at 1:50, Chairman Gilmore presiding, and all members being present except Senator Hudspeth. It was decided by the committee not to take any testimony this afternoon, but to employ the time on a tour of inspection in the Huntsville Penitentiary.

Mr. Gilmore read a telegram from Senator Hudspeth dated at Comstock, Texas, asking if the committee would be in session at Huntsville on Friday next and stating that he could reach Huntsville by that time. It was decided to defer an answer to the telegram until tomorrow or next day, when the committee would probably know more about its plans for the future.

The committee adjourned its regular session to meet at 9 o'clock tomorrow, and proceeded in a body to the Huntsville Penitentiary to inspect same.

WEDNESDAY, JULY 21, 1909, AT HUNTSVILLE.

The committee met at 9 o'clock a. m., and conferred as to the best method of examining witnesses from among the inmates of the Huntsville Penitentiary.

Senator Weinert moved that the committee at once proceed to the penitentiary and that a subcommittee of three, appointed by the chairman, go through the prison and pick out ten convicts at random, and that the committee of the whole then examine the convicts selected one at a time, under oath, the testimony to be preserved and held as confidential for the present.

Mr. Bowman seconded the motion, which was then put and duly carried.

Messrs. Paulus, Bowman and Lee were appointed by the chairman as the subcommittee to go through the prison and select ten convicts at random, which they proceeded to do.

The committee spent the balance of the morning and all of the afternoon in the examination of eleven witnesses selected from among the convicts confined in the Huntsville Penitentiary.

By a vote of the committee at the morning session it was decided to leave the matter of employing additional stenographic help to the chairman of the committee.

The committee adjourned until 9 o'clock tomorrow morning.

THURSDAY, JULY 22, 1909, AT HUNTSVILLE.

The committee occupied the day in the examination of witnesses, convicts from within the walls being examined in the morning, and Capt. J. A. Herring, Superintendent, and Mr. Sam Hawkins, Inspector, in the afternoon.

It was moved that the chairman appoint a subcommittee of four, one of whom should be Senator Weinert, to inspect the books of the Huntsville Penitentiary with a view to ascertaining their condition as far as possible, and also looking to the determination of the question of employing expert accountants to audit said books.

Motion carried and Chairman Weinert appointed on the subcommittee Senator Paulus, Mr. Moller and Mr. Stamps, who, with himself, constitute the subcommittee.

All members of the committee present throughout the day except Senator Hudspeth.

FRIDAY, JULY 23, 1909, AT HUNTSVILLE.

The committee spent the day in examining the following witnesses: Judge W. H. Gill, Capt. J. A. Herring and Capt. R. H. Underwood.

It was moved and carried that the remaining members of this committee not appointed on the subcommittee to inspect the penitentiary books should visit and inspect the Wynne farm.

This committee is composed of Messrs. Bowman, Lee, Greer, Hudspeth and Gilmore.

All members of the committee were present during the sessions today, Senator Hudspeth having arrived this morning from his home where he went on last Sunday on account of the illness of his wife.

SATURDAY, JULY 24, 1909, AT HUNTSVILLE.

Messrs. Gilmore, Greer, Hudspeth, Bowman and Lee spent all of the forenoon at the Wynne consumptive farm, about two miles from Huntsville, and thoroughly inspected conditions there in pursuance of the motion creating the subcommittee for that purpose. The committee examined four witnesses selected at random from among the entire number of convicts on the farm.

The subcommittee appointed to examine the books, composed of Messrs. Weinert, Moller, Paulus and Stamps spent the entire forenoon examining the books and system of bookkeeping of the penitentiary system of the State.

AFTERNOON SESSION.

The committee met at 2:30 in the office of the financial agent, all members of the committee being present.

It was moved that the chairman telegraph Inspectors Hawkins and Barbee to appear before the committee Monday morning next that they might be examined with reference to their reports and work. Motion carried, and the chairman wired accordingly.

It was moved that the chairman wire the various auditors with applications before the committee informing them that the committee would consider at Huntsville on Monday next the matter of employing auditors to audit the books of the penitentiary system and inviting them to confer with the committee at that time. Motion carried, and the chairman wired the following gentlemen: E. G. Meyers of the Corporation Audit Company and M. M. Hannah, Dallas; Winterhaler & Kidd, Beaumont, and W. R. Long, Austin.

It was duly moved and carried that the following letter be addressed by the committee to the Governor of Texas:

Huntsville, Texas, July 24, 1909.

Hon. T. M. Campbell, Governor, Austin, Texas.

Dear Sir: We examined the Wynne farm today with Dr. B. F. Gibson, Superintendent Herring and Assistant Superintendent Underwood. This farm is where the consumptives are kept. Many of these inmates evidently have consumption and will not live long. Dr. Gibson was with us when we made this inspection. We would respectfully suggest that you cause the Board of Pardon Advisers to examine into the conditions of the following named convicts at this farm, and after such investigation if in their opinion a pardon or parole should be granted to any or all said convicts we heartily so recommend.

28926—Concepcion Gonzalez.
 18007—Geo. Hedrick.
 27525—Hugh Murray (colored).
 28963—Arthur Riggs.
 29432—Ed Steele.
 29532—J. C. Adams.
 25727—C. B. Allen.
 22002—Lee Townes.
 29438—V. C. Gregory.
 Pascual Arguindigin (Mexican).
 29161—Joseph Harrison.
 27983—Will Jones.
 24813—Austin Rogers.
 27887—Calvin Teel.
 6415—Robt. Mills.
 12839—Walter St. Clair.
 28705—Joe Hays.
 29300—Wash Young.
 28946—L. F. Yates.
 Fred Franks.

It was moved and carried that the subcommittee appointed to examine the books should reduce their findings to writing and report same to the committee as a whole. Chairman Weinert of this subcommittee submitted the report, which appears on the following page.

The committee adjourned until Monday morning.

REPORT OF SUBCOMMITTEE APPOINTED TO EXAMINE THE PENITENTIARY BOOKS AND ACCOUNTS.

It appears to the committee, from the present books that they have examined at the office of the present financial agent of the penitentiaries at Huntsville, that when the former financial agent, Mr. J. W. Wright, took charge of this office September 1, 1907, the books were out of balance to the extent of about \$5,900, in consequence of which it appears that the Penitentiary Board employed auditors to check the books and that they reported the same fact substantiate. And it also appears that same auditors audited the cash book, and no other book of the system, which audit practically amounted to nothing. After the above period, a regular trial balance has been made monthly and the present books are kept in very good shaps, as far as the faulty system prevailing will allow. We also beg to report that the books of the penitentiaries are closed every two years and the balance, profit or loss, as the case may be, is not carried forward to the new set of books, but on the contrary, an inventory of the value of the property is taken by the respective sergeants in charge of the various properties, which is altered or completed by the officials at the penitentiaries here, and with such estimated values a new set of books is started, which system—or rather want of same—is naturally incomplete and unscientific. This perhaps may be best illustrated by one or two examples. The sergeant in charge of the Clemens farm reports that the value of 8000 acres of land owned by that institution is \$26,750, whereas, the officials at the penitentiary, Superintendent or Financial Agent, we do not know which, have

corrected the same to read 8212 acres of land worth \$267,500. Again, the sergeant of said farm reports thirteen miles of railroad at \$3,000 per mile, total value \$39,000; whereas, said officials have altered the same to read \$10,000 per mile, total value \$130,000. All the properties of said farm are valued by the sergeant thereof at \$582,878.50, whereas, the value put on the same properties by the penitentiary officials here is \$760,628.50, a difference between the two valuations of \$177,750. The sergeant in charge of the Harlem farm reports 4000 acres of land worth \$200,000; the officials at Huntsville have altered the same and put the value of this property to be \$151,887, a difference between the two valuations of \$50,200.

From this it would appear that there are urgent necessities for having either the Governor or the Penitentiary Board to appoint an expert commission to make proper valuation of all the penitentiary properties so that each may be started out under a new set of books based upon actual value of each particular plant or industry, and the balances at the end of the biennial term for which reports of these institutions shall be furnished can then be credited or debited, as the case may be, to the penitentiary proper at Huntsville, so as to be able always to ascertain from the books of each institution whether such concern has been making or losing money for each biennial period.

We beg to recommend that a new system of bookkeeping be inaugurated and that a new set of books be kept for each farm, coal mine, turpentine camp, railroad, iron furnace or other particular industry owned and operated by the penitentiaries, so as at all times to be able to ascertain net results. To this end we recommend that expert public auditors be engaged to advise with your committee and the present office force of the penitentiary as to the style of such books and the manner in which they should be kept. We also recommend that a filing and a card system be inaugurated at the penitentiary office, and that the vault for the preservation of papers and documents at the office of the Financial Agent of the Huntsville penitentiary be enlarged to at least three times the size of the present vault, which is entirely inadequate. We furthermore recommend that an adding machine be furnished said Financial Agent without delay. We further recommend, should your honorable committee engage auditors, that the present books kept by the Huntsville penitentiary be audited sufficiently far back to find the discrepancy in the balance above mentioned, if in your judgment the funds appropriated by the Thirty-first Legislature will admit of this expense, or if, perchance, you have other means of defraying the same.

Very respectfully,

(Signed)

F. C. WEINERT,
Chairman Subcommittee.

SUNDAY, JULY 25, 1909, AT HUNTSVILLE.

The committee met in called session at the Keep hotel, all members being present except Senator Paulus, and delegated Senator Weinert to go to Rusk tonight and to visit the railroad camp, near there, tomorrow and inspect the convicts as they are transferred from the camp, their work on the railroad construction being finished.

It was duly moved and carried that the committee adjourn on next Tuesday at 10 o'clock a. m., to meet October 25, 1909, at such place as may hereafter be agreed upon, and that a subcommittee be appointed by the chairman to visit and inspect the Eastham and Whatley and Jones farms immediately after the adjournment of the committee at this place.

The committee adjourned until tomorrow morning.

MONDAY, JULY 26, 1909, AT HUNTSVILLE.

The committee met at 9 o'clock a. m., in the office of the Financial Agent, all members being present except Senator Weinert, excused.

The committee occupied the greater portion of the day examining witnesses, the latter part of the afternoon being devoted to a discussion of the matter of employing auditors to audit the books of the penitentiary system.

Mr. Moller offered the following resolution:

"Be it resolved, That such accountants as may appear before this committee be invited to examine the books and accounts kept by the Texas Penitentiaries for the purpose of informing this committee the cost, lump sum, for which such accountants will audit all of said books and accounts from 1st of September, 1907, to 1st of September, 1909, which work shall also include the ascertainment of the cost of the construction of the State Railway from Rusk to Palestine, and the balances, profits or losses, of all the industries, separately, operated by the penitentiaries within the walls at Huntsville and Rusk, as well as of the iron industry at Rusk, the auditing of which institution shall begin from the date of its inception, and likewise shall include the submission by said accountants of a plan for new books to be opened and kept separately for each of the farms and industries owned and worked by said penitentiaries, including a card, voucher and file system, as well as giving separately an estimate of the cost of auditing said penitentiaries' books and accounts for eight years prior to the 1st of September, 1907. The submission of the cost of the above contemplated work shall be submitted to our chairman by the accountants in writing."

Resolution passed, and in accordance therewith the chairman handed a copy of said resolution to Messrs. Myers and Schoolar, representing the Corporation Audit Company of Dallas, Messrs. Winterhalter & Kidd, of Beaumont, and Mr. M. M. Hannah, of Dallas, with an indorsement on the back thereof requesting the penitentiary officials to allow said auditors to make what inspection of the books and accounts of the penitentiary system as they might wish.

The three above mentioned firms of expert auditors submitted sealed bids in accordance with the resolution.

The committee met in called session at 8 p. m., and opened said bids and discussed same among themselves and with the auditors.

The committee adjourned until 9 o'clock tomorrow morning.

TUESDAY, JULY 27, 1909, AT HUNTSVILLE.

The committee met at 9 o'clock a. m. in the office of the Financial Secretary, all members being present except Senator Weinert, excused.

It was moved and carried that in the event Hon. H. B. Terrell of West should not appear before the committee before its adjournment, the chairman should subpoena him to appear before the committee at its next meeting.

It was moved and carried that the clerk should as soon as possible transcribe the testimony of Messrs. Hawkins and Barbee, Inspectors, and forward a copy of said testimony to the Governor.

It was moved and carried that Mr. Lee be excused on account of pressing business.

The committee spent the day examining witnesses and discussing with the auditors with reference to their bids for the work of auditing the books of the penitentiary system.

It was resolved that it was the sense of the committee that the books of the penitentiary system should be audited for the period of eight years beginning September 1, 1901, and ending August 31, 1909, and in accordance therewith the following resolution was addressed to the Governor by wire:

"Huntsville, Texas, July 27, 1909.

Governor T. M. Campbell, Austin, Texas:

Committee has adopted following resolution addressed to you:

The Penitentiary Investigation Committee has examined books of the Huntsville Penitentiary and ascertained from the officials here as much as they know regarding the books kept at Rusk, and we find from the books kept at Huntsville that they did not balance within about five thousand dollars when your ap-

pointees here took charge. Wherefore we deem it advisable to have all the books of the penitentiaries audited from the present time back to as far as September, 1901, and we have bids of expert accountants before us for that work, which will cost in the aggregate about ten thousand dollars. Will you authorize this committee to contract accordingly you providing any such deficiency in cost as the funds appropriated to this committee, after its expenses are paid, cannot defray? Please wire quickly, as the committee desires to recess.

C. E. GILMORE,
Chairman."

The following members of the committee were appointed to visit the Whatley and Jones and Eastham No. 1 and No. 2 farms and inspect same. Messrs. Hudspeth, Greer, Paulus, Bowman, Gilmore and Stamps. Mr. Moller was excused from this service on account of his physical condition and the extreme heat.

The committee adjourned until tomorrow morning.

The following telegram was received from the Governor in response to the message above:

"Dallas, Texas, July 27, 1909.

Hon. C. E. Gilmore, Huntsville, Texas.

Will authorize deficiency required to carry out purpose of the law under which you are acting as determined by unanimous action of committee. I might be of advantage to you in contracting with accountants. The figures named strike me as too high and a subcommittee might handle that matter more economically and advantageously after your recess.

(Signed) T. M. CAMPBELL."

WEDNESDAY AND THURSDAY, JULY 28 AND 29, 1909.

The subcommittee, composed of Messrs. Greer, Hudspeth, Paulus, Gilmore, Bowman and Stamps, spent Wednesday and Thursday inspecting the Whatley and Jones, Eastham No. 1 and Eastham No. 2 farms and examining witnesses from among the convicts on said farms. The members of this subcommittee returned to Huntsville Friday morning.

FRIDAY, JULY 30, 1909, AT HUNTSVILLE.

The committee met at the office of the Financial Agent at 3 p. m., all members being present except those heretofore excused.

It was duly moved and carried that a subcommittee be selected to confer with the Governor on next Thursday, or as soon thereafter as possible, in regard to the employment of auditors to audit the books of the penitentiary system, this subcommittee having full power to act for the committee as a whole. The following members were selected to compose this subcommittee: Senator Weinert, Senator Hudspeth, Mr. Moller and Mr. Stamps. The clerk was instructed to ascertain from the Governor if he could meet with the committee on Thursday, and if not the earliest date possible, and to notify the members of the subcommittee accordingly.

The clerk was instructed to proceed with the preparation of a transcript of all the evidence adduced before the committee, furnishing each member of the committee with a copy thereof.

The committee adjourned to meet in Huntsville on October 25, 1909.

The following expense accounts were approved by Chairman Gilmore on Friday, July 30, 1909:

Penitentiary Investigating Committee in account with W. O. Stamps:

To railway fare from Austin to Huntsville.....	\$ 8 30
To railway fare from Huntsville to Stamps.....	6 70
To hotel expense at Tyler, Palestine.....	1 25
To hotel expense at Huntsville.....	16 50
Per diem, 14 days, from July 13 to July 31, 1909.....	70 00
Total	\$102 75

In account with C. B. Hudspeth:

To railway fare, Austin to Huntsville.....	\$ 8 30
Railway from Huntsville to Comstock.....	16 80
Hotel expense at Huntsville.....	12 00
Hotel expense on way home.....	7 50
Per diem, 13 days from July 22 to August 3, 1909, inclusive.....	65 00
Hotel fare from Austin to Houston.....	2 50
Fare from Comstock to ranch (return).....	5 00
Total	\$117 10

In account with Jens Moller:

July 19, railway from Austin to Huntsville.....	\$ 6 30
Pullman sleeper	2 00
To hotel expense at Austin July 18 and 19, two days at \$2.50.....	5 00
To hotel expense at Huntsville, 20 to 28, 9 days, at \$2.....	18 00
Per diem, 11 days from July 18 to July 28, inclusive.....	55 00
Total	\$ 89 95

In account with W. H. Long:

July 19, to railway from Austin to Huntsville.....	\$ 6 30
July 19, transfer of baggage, Austin.....	25
July 19, Pullman, Austin to Houston.....	2 00
July 20, hack, Houston (with baggage).....	50
July 20, hotel expense at Houston.....	25
July 20, hack, Huntsville (with baggage).....	25
July 30, hotel, Huntsville, from July 20, dinner to and including breakfast July 28, 8 days at \$2 per day, \$16; hotel from dinner July 30 to and including breakfast July 30, 1 day, \$2; total.....	18 00
July 30, per diem, 13 days from July 18, 1909, to July 30, 1909, inclusive.....	65 00
Total	\$ 92 55

The following corrected account of J. R. Bowman was approved in place of one approved on Monday, July 19, the latter account being cancelled and destroyed:

July 16, to railway and Pullman from Amarillo to Fort Worth.....	\$ 12 10
July 17, railway fare from Ft. Worth to Austin.....	5 90
July 16, hack and supper on train.....	1 00
Per diem, 2 days, July 16 and 17.....	10 00
Total	\$ 29 00

MINUTES OF SUBCOMMITTEE.

Members: Messrs. Weinert, Chairman; Hudspeth, Moller and Stamps, appointed to conclude contract with auditors.

The above subcommittee met at Austin on Thursday, August 5, 1909, pursuant to appointment by committee as a whole, all members being present except Chairman Weinert. A telegram was received from Senator Weinert stating his inability to reach Austin before the afternoon of Friday, August 6.

The committee spent Thursday and Friday conferring with the Governor and Attorney General as to the power of the former to create a deficiency after the funds appropriated to the Penitentiary Investigating Committee by the Thirty-first Legislature are exhausted.

Senator Weinert arrived on Friday afternoon at 5 o'clock. Friday night, August 6, 1909, the subcommittee concluded and with the auditors executed the following contract in duplicate:

State of Texas,
County of Travis.

"Austin, Texas, August 6, 1909.

It is this day mutually agreed between the committee appointed by the Thirty-first Legislature to examine the Texas penitentiaries, by and through its subcommittee duly appointed and authorized to make this contract, the names of the members of which subcommittee are signed hereto, being the party of the first part, and hereinafter referred to as the committee, and Corporation Audit Company (unincorporated), C. H. Schoolar and E. G. Myers, owners, Dallas, Texas, party of the second part and hereinafter referred to as the auditors:

1. The auditors undertake and agree to audit all the books and accounts and such other transactions of the penitentiaries at Huntsville and Rusk from September 1, 1901, to August 31, 1909, as the committee may designate, for the purpose of discovering any and all errors and discrepancies contained therein, to ascertain the original cost of each of the various industries within the walls of said penitentiaries, and of each farm, saw mill, coal mine, railroad and iron furnace belonging to and operated by said penitentiaries, and also to demonstrate the profits or losses annually of each of said properties.

2. The auditors shall devise an up-to-date system of bookkeeping, card, file and voucher application, most practical in said business, so that profits and losses of each industry can be readily and accurately ascertained, after taking stock and value and closing the books.

3. The auditors shall begin this work within ten days after date and complete the same before January 1, 1910, for which service they shall be paid by the committee through its chairman by warrants drawn on the Comptroller of Accounts, payable by the Treasurer of the State, for one expert accountant, fifteen (\$15) dollars per day and for three assistants, good accountants, eight (\$8) dollars each per day, who shall all work on the average eight hours daily all days, Sundays excepted, but if the total auditing is completed to the satisfaction of the committee before January 1, 1910, the auditors shall be paid, in full, the sum of five thousand and seventy (\$5070) dollars.

4. Payments shall be made monthly as accruing, within 25 per cent of the same, which latter sum shall only be due and payable when the whole work is completed to the satisfaction of the committee.

5. The auditors shall furnish the committee within ten days from date with satisfactory bond, in the sum of two thousand five hundred (\$2500) dollars, for the faithful performance of this contract.

6. The committee reserves the right to superintend the work of the auditors at all times.

This contract is signed in duplicate, each of the contracting parties retaining one copy.

(Signed)

F. C. WEINERT,
Chairman of Subcommittee.
C. B. HUDSPETH,
JENS MOLLER,
W. O. STAMPS,

C. H. SCHOOLAR,
E. G. MYERS,

Owners of Corporation Audit Company.

Witnesses to all signatures:

(Signed) W. H. LONG,
T. A. WILSON."

The subcommittee addressed the following letter to the Governor:

"Austin, Texas, August 6, 1909.

Hon. T. M. Campbell, Governor of Texas, Austin, Texas.

Dear Sir: Enclosed please find copy of contract this subcommittee has concluded for auditing the books of the penitentiaries, which is the best and most practical contract we could make after examining the various bids submitted.

Considering the committee created by the Thirty-first Legislature for the purpose of examining the Texas penitentiaries, etc., of which we are a subcommittee,

does not command sufficient funds with which to pay its own expenses and that of said auditing, we have concluded said contract with the understanding, after consulting you, that you will, after our funds are exhausted, authorize a deficiency according to law, and in this respect instruct the Comptroller of Accounts to issue warrants on the Treasury to the extent of the requirements of our committee for said auditing.

The maximum cost will be \$5070.

Yours very respectfully,

(Signed) F. C. WEINERT,
C. B. HUDSPETH,
JENS MOLLER,
W. O. STAMPS,
Subcommittee."

The subcommittee adjourned sine die at 10 p. m., Friday, August 6, 1909.

MONDAY, OCTOBER 25, 1909, AT HUNTSVILLE.

The Penitentiary Investigating Committee met at 1:30 in the afternoon, as per former adjournment, Chairman C. E. Gilmore presiding. The following members were present: Senators Paulus and Greer, Representatives Lee, Bowman, Moller and Gilmore.

The committee went into executive session to discuss plans for the work.

Testimony of Senator H. B. Terrell and S. C. Branche, cashier, was taken by the committee.

The subcommittee appointed by the chairman to visit the outside camps, composed of Senators Weinert, Paulus and Hudspeth and Representative Moller, reported that the subcommittee, with Senators Weinert and Paulus in attendance had visited the following outside camps: Eldridge (Faber), Texas Planting Company (Bonus), A. P. Borden (Wharton), Dyer and Bertrand (Richmond), and J. A. Robertson (Simonton), and submitted the evidence taken as their report to the full committee.

The subcommittee, appointed by the chairman to visit outside camps, and composed of Senator Greer, Representatives Lee, Bowman and Gilmore, reported that the subcommittee with all members in attendance save Mr. Bowman for two days, reported that they had visited the following outside camps: Burleson and Johns farm, Henderson and Tomkins farm, Rogers and Steele farms, Calvert coal mine force and the Wood farm, and submitted the evidence taken at these camps as their report.

The committee adjourned to meet Tuesday morning at 9 o'clock.

TUESDAY, OCTOBER 26, 1909, AT HUNTSVILLE.

MORNING SESSION.

The committee instructed Messrs. Bowman and Gilmore to prepare resolutions to submit to the Governor, Board of Penitentiary Commissioners and Superintendent of Penitentiaries, recommending the cancellation of the lease with the Southwestern Fuel and Manufacturing Company at Calvert, Texas.

Senators Paulus and Greer were elected a committee to inspect the grounds of the Huntsville penitentiary, with a view to making such recommendations regarding them as the committee might see proper. On motion, Representative Lee was added to the committee.

Committee heard testimony of Superintendent J. A. Herring.

AFTERNOON SESSION.

Committee heard testimony of Benton McMillain, J. C. Haynes, J. W. Ashley and S. C. Branche.

Committee appointed to draft resolutions regarding the cancellation of the

lease with the Southwestern Fuel & Manufacturing Company, at Calvert, reported, and after amendments, resolutions were adopted as follows:

Whereas, A subcommittee of the Penitentiary Investigating Committee, duly appointed by the chairman thereof, visited and inspected the coal mines near Calvert, Texas, on which are worked convicts of this State to the number of about 100; and,

Whereas, Said committee made a thorough personal investigation of the conditions existing in and about said mines, and from their personal inspection, and from testimony of officers in charge of said camps, and convicts working in said mines, they found the following conditions:

That practically all the men in going to and from their daily work in the mines are forced to walk through mud and water, thereby wetting their feet, in which condition they are forced to work during the day; they found that some of the men were required to work in water, mud and slush from shoe mouth to half leg deep and do their daily task of mining seven tons of coal, which mud and water appears to affect, in various ways, the physical condition not only of the feet, but of the entire physical person of the men thus subjected; they found that the convicts upon coming out of the mines at night were not furnished with dry shoes, necessitating their going with wet feet from the mines to the prison building and remain in that condition until such time as they could remove their shoes after the supper meal; they found that the clothes worn in the mines during the day, and changed at night, were usually wet and the committee was informed that in the winter time some were frozen, and that the convicts put them on in that condition on the following morning, in which condition the men were forced to pursue their labor. They found several under the age of 21 years, yet lacking the full development of manhood, required to do the daily task of seven tons; they found from facts adduced and from the hospital records kept under the direction of the camp physician, that the employment in said mines is very hazardous and very unhealthy; and,

Whereas, We believe that the State of Texas has no moral or legal right to force men convicted of violation of the law to labor under such conditions; therefore, be it

Resolved, That we recommend and urge the Governor of the State of Texas, the Board of Penitentiary Commissioners and the Superintendent of Penitentiaries to cancel the contract with the Southwestern Fuel and Manufacturing Company, to take effect not later than November 15, 1909, and sooner, if possible.

WEDNESDAY, OCTOBER 27, 1909, AT HUNTSVILLE.

MORNING SESSION.

Committee heard testimony of J. C. Haynes.

Committee decided to leave this day at 6 o'clock for Rusk penitentiary.

The chairman was instructed to summons John W. Wright and John L. Wortham to appear as witnesses before the committee at Rusk.

Committee spent remainder of the morning in discussing matters pertaining to the investigation.

AFTERNOON SESSION.

Committee appointed to inspect the prison and grounds of the Huntsville penitentiary and make recommendations relative to any changes that might appear healthful, reported the following recommendations, which were adopted:

That all the grounds should be enclosed with a wall such as is now around one part.

That a new hospital be erected and it should, if three stories, have an elevator, proper equipment, X-ray machine and latest medical works. This hospital should be in the northeast corner of the grounds.

That a new chapel and dining room should be built, and the floor in chapel should slope, so those seated in rear can see, and the schoolroom and library should be a part of this building.

There should be a small building for those men, such as engineers, cooks, etc., whose labors are such that they are necessarily permitted to come and go without much restriction.

All buildings should be reconstructed of fireproof material and arranged in a practicable, labor-saving manner, as soon as possible.

An up-to-date sewerage system for the whole penitentiary should be constructed at once.

An addition to the sides or ends of the present cell buildings should be added, where water closets should be constructed so as to abandon the present bucket system.

Remove all wooden bedsteads and substitute therefor iron ones.

That a swimming pool be put in for the prisoners.

That the contract for keeping Walker county prisoners in the penitentiary be canceled.

That all new cell buildings hereafter erected be so constructed that a sanitary closet and lavatory be erected in each cell.

After discussing further matters pertaining to the investigation committee, committee adjourned to meet at Rusk tomorrow, inspecting the State railroad from Palestine to Rusk en route.

THURSDAY, OCTOBER 28, 1909, AT RUSK, TEXAS.

Committee arrived at the Rusk penitentiary at 12 o'clock noon, having inspected en route from Palestine to Rusk, the Texas State railroad, also inspecting the force of men working on said railroad at Palestine, and the camp at Gill. Committee spent the entire afternoon inspecting the Rusk prison. Committee adjourned to meet tomorrow morning at 8:30 o'clock.

FRIDAY, OCTOBER 29, 1909, AT RUSK.

Committee spent the entire day inspecting the Rusk prison and the iron industry and ore beds. Adjourned to meet at 8:30 o'clock tomorrow.

The following accounts were presented to the chairman, Mr. Gilmore, and by him approved:

Penitentiary Investigating Committee, in account with C. E. Gilmore, October 19, 1909:

To surreys to visit Henderson and Tompkins farm, out of Cameron.....\$ 7 00

In account with H. B. Terrell, witness:

Railroad fare from West to Huntsville and return..... 15 30

Three days' per diem, October 24th to 26th, inclusive..... 4 50

Total\$19 80

In account with J. R. Bowman:

To two rigs to coal mines at Calvert.....\$ 7 00

In account with Nape Oxford, official stenographer, for the week ending October 23, 1909:

Supper, breakfast and bed at Fowler.....\$ 1 00

Fowler to Waco (fare) 1 30

Waco hotel bill 2 00

Waco transfer 25

Waco to Cameron, Texas (fare)..... 1 60

Cameron hotel bill..... 1 00

Cameron to Allen farm (fare) 1 95

Allen farm to Navasota (fare) 25

Supper at Navasota	50
Navasota to Calvert (fare)	1 75
Calvert hotel bill	2 00
Calvert to Hearne	25
Bed at Hearne	50
Breakfast at Hearne	55
Hearne to Wood farm (fare)	25
Wood farm to Navasota (fare)	1 45
Supper at Navasota	45
Navasota to Conroe (fare)	1 30
Conroe hotel bill	1 00
Conroe to Huntsville	1 05
1 dozen note books at Fowler	60
To six days work as reporter at \$5 per day from October 18 to October 23, inclusive	30 00
Total	\$51 05

In account with W. J. Greer from October 17 to October 23, inclusive:

Railroad fare, Wills Point to Dallas	\$ 1 00
Hotel expense at Dallas	1 55
Railroad fare, Dallas to Waco, and bus	3 25
Hotel expense at Waco	1 50
Railroad fare, Waco to Fowler and return	2 90
Hotel fare at Waco	2 00
Railroad fare, Waco to Conroe	1 60
Hotel expense at Conroe	1 00
Railroad fare, Conroe to Allen farm	1 95
Railroad fare, Allen farm to Navasota	25
Hotel expenses at Navasota	1 00
Railroad fare, Navasota to Calvert	1 75
Hotel expenses at Calvert	2 50
Railroad fare, Calvert to Hearne	25
Hotel expenses at Hearne	1 00
Railroad fare, Hearne to Wood's Gin	25
Railroad fare, Wood's Gin to Navasota	1 45
Hotel expenses at Navasota	50
Hotel expenses at Conroe	1 00
Railroad fare, Conroe to Huntsville	1 05
Seven days per diem	35 00
Total	\$62 50

SATURDAY, OCTOBER 30, 1908, AT RUSK.

MORNING SESSION.

Committee met at Rusk prison at 8:30 a. m., as per adjournment, Senators Greer, Paulus, and Representatives Bowman, Moller, Lee and Chairman Gilmore present.

The chairman was instructed to pay the accounts of Jens Moller, W. O. Stamps and the chairman for trips to Huntsville to confer with auditors during recess of committee.

The committee heard the testimony of Judge F. B. Guinn.

AFTERNOON SESSION.

The committee heard the testimony of John W. Wright.
Adjourned to meet Monday morning at 8:30.

SUNDAY, OCTOBER 31, 1909, AT RUSK.

The committee spent the afternoon at the prison talking with the convicts and those in charge.

MONDAY, NOVEMBER 1, 1909, AT RUSK.

MORNING SESSION.

Committee met at 8:30 a. m., Senators Greer and Paulus, and Representatives Bowman, Moller, Lee, Stamps and Chairman Gilmore present.

The testimony of the following witnesses was taken: Major T. E. Durham, Dr. A. H. McCord, J. G. Summers.

AFTERNOON SESSION.

The committee resumes the taking of testimony, examining John L. Wortham and J. H. Walker.

Mr. Walker having been requested by Mr. Wortham to be present, the committee decided that inasmuch as his testimony had been taken, his witness fees should be allowed, and the chairman was instructed to approve his account for same.

NIGHT SESSION.

Committee met at Claiborne Hotel at 7:30, and Capt. A. K. Addison was examined.

Adjourned to meet tomorrow morning at 8:30.

TUESDAY, NOVEMBER 2, 1909, AT RUSK.

MORNING SESSION.

Committee met at 8:30 and spent the day examining the following witnesses: Major T. E. Durham, T. A. Rateliff, J. T. Tribble, W. H. Lewis and F. B. Guinn.

NIGHT SESSION.

Committee met at Claiborne Hotel at 7:30 and examined the following witnesses: A. G. Harrell, W. H. Finley and J. M. Allen.

Adjourned until tomorrow morning at 8:30 o'clock.

WEDNESDAY, NOVEMBER 3, 1909, AT RUSK.

Committee met at 8:30 and spent the day in examining the following witnesses: Roy Story, W. H. Lax, Dr. A. H. McCord, S. B. Barrett, J. A. G. Monell, J. A. Mays, Robert Davis, Allen Carroll, Wiley Parker, E. C. Martin, Eli Smith, J. H. Whitehead, John Harris, Albert Whitten, Winton Parnell, J. H. Howard, T. Sexton, Jim Bee, Joe Kelley.

Committee adjourned to meet tomorrow morning at 8:30.

THURSDAY, NOVEMBER 4, 1909, AT RUSK.

MORNING SESSION.

Committee met at 9:30 a. m.

A subcommittee accompanied Judge Guinn over the State's ore lands, returning at 10:30.

The following witnesses were examined: John B. Long, Rev. J. L. Dawson, Tom W. Duckett.

AFTERNOON SESSION.

Committee met at Claiborne Hotel and the following witnesses were examined: T. B. Finley, W. M. Ellis, J. Fitzgerald, W. F. McDaniel and Judge F. B. Guinn.

Having previously discussed their plans, the committee adjourned to proceed to Harlem State Farm via Houston, understanding that the testimony of E. A. Goodridge, assistant general manager of the State Railway, would be taken en route. This testimony was taken at Palestine at night.

FRIDAY, NOVEMBER 5, 1909, AT HOUSTON, TEXAS.

The following members of the committee being present. Senators Greer, Paulus, Hudspeth and Weinert and Representatives Bowman, Moller, Gilmore, Lee and Stamps, the committee met at the Brazos Hotel in Houston, Texas, and took the evidence of H. Cohen.

Committee then adjourned to reconvene at Harlem State Farm Saturday morning, November 6, 1909.

SATURDAY, NOVEMBER 6, 1909, AT HARLEM STATE FARM.

Committee arrived at the Harlem State Farm this morning. After an inspection of the camp buildings and sugar mill, the testimony of the following witnesses was taken: Dr. J. Mark O'Farrell, Capt. T. C. Blakeley, Sam Houston, Walter Roberson, John Mayfield.

At the night session it was decided that the committee would complete the taking of testimony at Harlem next day, Sunday, in view of the necessity for making as much time as possible.

It was also decided that the whole committee would visit the Imperial State Farm on Monday, and then the committee be divided into two subcommittees, one committee to be composed of Mr. Bowman, Senator Hudspeth, Mr. Stamps and Senator Greer, to visit the Ramsey State Farm and the T. W. House Camp; the other, composed of Senator Weinert, Mr. Moller, Senator Paulus, Mr. Lee and the chairman, to visit the three Cunningham Camps, and the Camps of Dew Bros. and Adams Bros., and this was done.

Adjourned to meet tomorrow at 2 p. m.

SUNDAY, NOVEMBER 7, 1909, AT HARLEM STATE FARM.

Committee met at 2 p. m., and the following witnesses were examined: William Garrett, Jim Upshald, John Campbell, Henry Pope, M. B. Scott.

Adjourned to meet at Imperial State Farm tomorrow morning.

MONDAY, NOVEMBER 8, 1909, AT IMPERIAL STATE FARM.

Committee met at Imperial State Farm and after examining Camp No. 2 and Camp No. 1, the testimony of the following witnesses was taken: Capt. W. G. Pryor, Charley Wicks, Wesley Pierce, Mat Watson, James Quirt, Ben Jackson, Charley Stevenson, Capt. J. H. Veal, W. M. Thompson, Henry Thomas, John Pierce, Oscar Bennett, Ben Wilkerson, Raphael Martinez, Bob Sprigs, E. S. Barker.

Concluding the testimony at this camp, the subcommittees previously appointed on November 6, proceeded with their assignments to come together in Houston November 10, and proceed to the Clemens State Farm.

WEDNESDAY, NOVEMBER 10, 1909, AT HOUSTON.

The committee held a short meeting in the Brazos Hotel. Mr. Bowman, chairman of the subcommittee to visit the Ramsey State Farm and House plantation,

reported that the duty had been performed. Senator Weinert, chairman of the subcommittee to visit the three Cunningham camps, Dew Bros. camp and Adam Bros. camp, reported that the duty had been performed.

The committee decided to proceed next day to Clemens State Farm and at the conclusion of the investigation there and the investigation of the force employed by the Trinity & Brazos Valley Railway, to proceed to Austin to formulate their report for all except the financial condition of the system and the iron industry.

Senator Weinert, Senator Hudspeth, Mr. Lee and Mr. Moller were excused from the committee for the remainder of the week.

Adjourned to meet at Clemens State Farm tomorrow.

THURSDAY, NOVEMBER 11, 1909, AT CLEMENS STATE FARM.

Committee arrived at Clemens State Farm about 12 o'clock noon.

AFTERNOON SESSION.

Committee inspected the sugar house and plantation the remainder of the day.

FRIDAY, NOVEMBER 12, 1909, AT CLEMENS STATE FARM.

MORNING SESSION.

Committee met at 8:30 a. m. at Camp No. 1 and took the testimony of the following witnesses: Frank Pinkard, C. C. Hood, Chas. Farris, Bob Heines, Harrison Seales, Will Nelson, Alex Teel, Dr. C. C. Hampil, Col. J. A. Herring.

AFTERNOON SESSION.

Committee visited and inspected Camp No. 2, and took the testimony of the following witnesses: Capt. R. W. Grace, Andrew Walker, Eddie Whitfield, W. J. P. Hill, Joseph Bryan, Will Johnson, Joe Hayes, Will Westall, James F. Gier, Capt. W. M. Brooks.

NIGHT SESSION.

Committee inspected the sugar house camp and took the testimony of the following witnesses: Bill Doss, Walter Carson, C. M. McLeod, Juan Conde and W. B. Harris.

Adjourned till 8:30 tomorrow morning.

SATURDAY, NOVEMBER 13, 1909, AT CLEMENS STATE FARM.

MORNING SESSION.

Committee met at 8:30 a. m. and took testimony of the following witnesses: H. Huntington and Capt. W. M. Brooks.

AFTERNOON SESSION.

Committee visited and inspected Camp No. 3 and took testimony of the following witnesses: Capt. D. W. Ross, Fred Brown and Will Graham.

The chairman appointed Senator Paulus, Senator Greer and Mr. Stamps a subcommittee to visit the force employed by the Trinity & Brazos Valley Railroad.

The committee adjourned to proceed to Austin as previously determined, and meet in that city Tuesday morning, November 16.

AT AUSTIN, NOVEMBER 16, 1909.

MORNING SESSION.

The committee met in Austin, Tuesday, November 16, 1909; Chairman Gilmore presiding. The following members of the committee were present: Senators Weinert, Paulus and Greer, and Representatives Lee, Moller, Bowman, Stamps and Gilmore.

On motion, the deliberations of the committee be executive.

Senator Weinert moved that the committee proceed to formulate a report to be made to the Governor embracing the findings of the committee, together with such recommendations as the committee desires to make as to the general conditions, discipline, care and treatment of convicts, and later make a supplementary report as to the financial conditions and the iron industry—as soon as the auditors employed to audit the books and accounts of the penitentiary system shall have reported to the committee.

The motion was adopted.

Committee recessed until 3 o'clock p. m.

AFTERNOON SESSION.

The afternoon session was taken up in general discussion.

Governor Campbell appeared before the committee and requested the names of such sergeants, guards, or other officers and employees, against whom the committee had heard complaints of misconduct during the present administration, together with dates, as nearly as possible, of alleged offenses.

Committee adjourned until tomorrow morning at 8:30 o'clock.

AT AUSTIN, NOVEMBER 17, 1909.

MORNING SESSION.

The committee met in executive session, all the members being present, and continued the discussion of the scope and nature of its report to the Governor.

H. P. Erwin of Dallas testified before the committee. The committee went into executive session and further discussed its report.

Senator Weinert moved that the chairman employ a competent stenographer for use of the committee when necessary, and the motion prevailed.

On motion, the chair was instructed to appoint two subcommittees: one to draft a report as to the findings of the committee, the other as to recommendations; both reports to be submitted to the full committee for amendment, adoption or rejection.

The Chair appointed the following committees:

Committee to draft report setting forth the findings: Senator Weinert, Senator Greer, Mr. Bowman and Mr. Stamps.

Committee on recommendations: Mr. Lee, Mr. Moller, Senators Paulus and Hudspeth.

On motion of Senator Weinert, the Chair was added to the committee to report on findings.

The committee recessed to 2:00 p. m.

AFTERNOON SESSION.

The committee heard the testimony of R. H. Underwood.

The subcommittees proceeded with their respective work, and the full committee adjourned to meet on call of the chairman.

AT AUSTIN, NOVEMBER 19, 1909.

The Chair called the committee to meet Friday morning, November 19, 1909, at 11:00 o'clock.

Hon. J. R. Bowman advised the committee of his appointment as private secre-

tary to the Governor, and tendered his resignation, thereby severing his connection with the committee. The committee, in view of the broader field of activity to which Mr. Bowman was called, accepted his resignation, with a tender of best wishes to Mr. Bowman.

On motion of Mr. Lee, the Chair was instructed to congratulate Governor Campbell on his selection of a private secretary.

On motion, the Chairman was instructed to summon R. J. Ritchie, J. C. Rich and Walter Pierce, all of Hill county, to appear before the committee as witnesses.

The committee adjourned to meet on call of the chair.

SATURDAY, NOVEMBER 20, 1909, AT AUSTIN.

Met in the afternoon and discussed report.

Recessed to 7:30 p. m.

Committee met at the Driskill Hotel at 7:30 p. m. and discussed details of report.

Mr. Stamps moved that when the committee adjourn, it adjourn to meet at Huntsville on call of the chairman, when the auditors were ready to report. The motion was adopted.

Committee adjourned to meet tomorrow at 2:30 p. m.

NOVEMBER 21, 1909.

Committee met at 2:30 p. m. and discussed details of report.

Committee adjourned till tomorrow morning at 8:30 o'clock.

NOVEMBER 22, 1909.

MORNING SESSION.

Committee met on Monday, November 22, 1909.

Committee heard testimony of R. J. Ritchie, J. W. Pierce and W. B. Rutherford.

Committee went into executive session to consider its report.

Senator Hudspeth offered amendment to findings, reciting conditions as existed at the railroad camp.

The amendment was lost by the following vote: Ayes—Weinert, Hudspeth, Paulus; 3. Noes—Greer, Lee, Moller, Stamps, Gilmore.

Senator Hudspeth gave notice that he would make a minority report.

Senator Hudspeth offered substitute for final paragraph in subcommittee's report of recommendations.

The substitute was lost by the following vote: Ayes—Hudspeth; 1. Noes—Paulus, Greer, Weinert, Moller, Lee, Stamps, Gilmore; 7.

Recessed until 2:00 p. m.

AFTERNOON SESSION.

Committee continued its discussion of its report.

Senator Weinert moved that the committee recommend the abolishment of the strap.

The motion was lost, Senator Weinert, Senator Hudspeth and Mr. Moller voting for the motion and requesting that a record be made of same. Mr. Lee present, and not voting for the reason that he did not consider that the committee should make any recommendation upon this matter.

Mr. Moller offered an amendment limiting the use of the strap. The amendment was adopted. Mr. Lee present and not voting.

Senator Hudspeth moved that a committee composed of Senator Paulus, Mr. Moller and Mr. Stamps be appointed to furnish the Governor with specific instances of violations of the law and cruel and inhuman treatment of con-

victs, giving names and dates in compliance with the Governor's request to the committee.

The motion was adopted.

Recessed until 2:00 p. m.

AFTERNOON SESSION.

Committee further deliberated on its report to the Governor.

Adjourned until tomorrow at 9:00 o'clock a. m.

TUESDAY, NOVEMBER 23, 1909, AT AUSTIN.

Committee met at 9:00 o'clock a. m.

Senator Hudspeth offered the following resolution:

"From evidence taken, it is very apparent to the members of this committee that certain sergeants within the penitentiary system of this State have violated the solemn promise, exacted of them by the chairman of this committee, granting immunity from punishment to convicts under said sergeants who did testify before this committee; therefore, be it

"Resolved, That the chairman of this committee appoint two members to constitute a subcommittee, whose duties it shall be to visit prisons and convict farms, take testimony, and ascertain whether such promises have been violated, and report back to the chairman of this committee as soon as said task is completed."

The committee agreed upon report.

A telephone communication was received from Major T. E. Durham, asking opportunity to furnish testimony refuting certain testimony regarding him.

Mr. Moller moved that the committee give Major Durham ample opportunity to present such testimony as he desired when the committee convenes at Huntsville to receive the report of the auditors and to make its final report.

The motion was adopted.

Committee adjourned until tomorrow.

WEDNESDAY, NOVEMBER 24, 1909, AT AUSTIN.

MORNING SESSION.

Committee met at 9:00 a. m.

Hon. T. S. Henderson requested a hearing before the committee, to testify relative to conditions on his farm, where convicts are worked. He was advised that he would be heard at Huntsville at a later day.

AFTERNOON SESSION.

The committee signed report to the Governor.

Additional reports were made by Senator Hudspeth and by Senator Weinert and Mr. Moller.

Senators Paulus, Hudspeth and Weinert filed a statement with the Chair that in view of the fact that the stenographers had not completed a transcript of all the testimony taken, reserve the right to make an additional report later.

The chairman appointed Senator Hudspeth and Representative Stamps as a subcommittee in accordance with resolution by Hudspeth to investigate any mistreatment of convicts who had testified before the committee.

A motion carried that the subcommittee above named be clothed with all the authority possessed by the full committee.

Affidavits were read from J. T. Mewshaw and R. W. Brahan, and the Chair was instructed by the committee to have same put in the record of testimony.

Committee adjourned to meet in Huntsville on call of the chairman.

TUESDAY, JANUARY 25, 1910, AT AUSTIN.

Committee met in Austin on January 25, 1910, with Senators Weinert, Hudspeth, Paulus and Greer and Representatives Moller, Stamps and Gilmore present. Mr. Lee was unavoidably absent.

Chairman Gilmore, presiding, explained that the committee had been called at the request of Governor Campbell to consider its report on the iron industry.

The committee went into executive session, and after considering the matter, questioning Mr. C. H. Schooler, one of the accountants employed by the committee to audit the accounts of the system, the following was adopted by a vote of 5 to 2:

"We, the undersigned members of the committee, desire to be recorded as favoring the abandonment of the operation of the iron industry at the Rusk penitentiary by the State."

(Signed)

PAULUS,
WEINERT,
STAMPS,
HUDSPETH,
MOLLER.

Senator Greer and Chairman Gilmore voted against the adoption of the above, both reserving the right to file their reasons for so voting.

Chairman Gilmore filed the following:

"To this opinion of the majority of the committee I cannot agree at this time, desiring to await a decision upon this feature of our report until the auditors employed to audit the books and accounts of the penitentiary system have been received and that report analyzed and studied."

On motion, the auditors were instructed not to have their report to the committee printed, if at the committee's expense.

Committee adjourned to meet at Huntsville on the call of the chairman.

THURSDAY, FEBRUARY 10, 1910, AT HUNTSVILLE.

Committee met in Huntsville to receive report of auditors employed to audit the books of the penitentiary and its accounts.

Members present: Senators Hudspeth, Paulus, Greer, and Representatives Moller, Stamps, and Chairman Gilmore. Absent: Senator Weinert and Representative Lee.

Committee met at 1 p. m. and spent the entire afternoon going over the report with auditors.

Adjourned to meet tomorrow morning at 9 o'clock.

FRIDAY, FEBRUARY 11, 1910, AT HUNTSVILLE.

MORNING SESSION.

Committee met at 9 o'clock and continued consideration of auditor's report. Mr. Lee arrived and joined the committee.

AFTERNOON SESSION.

Committee continued consideration of auditor's report.

Motion adopted instructing the chairman to summon Jno. L. Wortham to appear and bring with him the bookkeeper employed during his administration during the period from August 31, 1904, and September 1, 1906.

Committee continued consideration of auditor's report.

Adjourned until tomorrow morning at 9 o'clock.

SATURDAY, FEBRUARY 12, 1910, AT HUNTSVILLE.

Committee met at 9 o'clock.

The chairman was instructed to notify the Governor that the committee was about to conclude its labors, and ask if he has any suggestions to make before it adjourned.

Committee decided that it could not conclude its labors before Wednesday, February 16.

A. E. King testified before the committee.

Committee adjourned till tomorrow at 9 o'clock.

SUNDAY, FEBRUARY 13, 1910, AT HUNTSVILLE.

Committee met at 2 o'clock p. m.

Chairman instructed to notify Jno. L. Wortham and Louis Hermaize that they be requested to appear before the committee tomorrow morning at 9 o'clock.

On motion the chair was instructed to permit Mr. Wortham to have a copy of the dropped accounts and auditor's report.

Adjourned till tomorrow morning at 9 o'clock.

MONDAY, FEBRUARY 14, 1910, AT HUNTSVILLE.

MORNING SESSION.

Committee met at 9 a. m.

On motion, committee decided that Jno. L. Wortham, a witness before the committee, be permitted to be present during interrogation of witnesses.

The committee heard the testimony of W. H. Rand.

J. H. Swope took the oath as official stenographer.

The testimony of L. Hermaize was taken.

Motion to pay expenses of Messrs. Cousins and Walker's expenses was lost. Messrs. Walker and Cousins were not summoned by the committee.

Motion to take no more testimony was adopted.

Chairman was instructed to arrange with the stenographer for transcript of testimony.

Report of subcommittee, appointed by the Governor's request, reported as follows:

Huntsville, Texas, Feb. 14, 1910.

Hon. C. E. Gilmore, Chairman Penitentiary Investigating Committee.

Dear Sir: We, the subcommittee, appointed to prepare a report in compliance with the request of his Excellency, Governor Campbell, that this committee "furnish him with the name of any officer, sergeant, guard or other person now in the employ of the penitentiary system who has been found guilty of any violation of the law or mistreatment of convicts since January 15, 1907, the beginning of the present administration, the nature of the offense charged, the time and place, and the names of the witnesses in each case," beg leave to report to you that in our opinion the following is a proper reply to said request of the Governor:

We, the Penitentiary Investigating Committee, beg to acknowledge receipt of your written request that the "committee furnish you with the name of any officer, sergeant, guard or other person now in the employ of the penitentiary system who has been found guilty of any violation of the law, or mistreatment of convicts since January 15, 1907, the beginning of the present administration; the nature of the offense charged, the time and the place, and the names of the witnesses in each case"; and in reply thereto permit us to respectfully say that in the act of the Thirty-first Legislature, under which this committee is performing the duties imposed upon it, there is nothing which authorizes this committee to pass upon the guilt or innocence of any man, and we are therefore persuaded to believe that should we endeavor to comply with your request

we would be, in so doing, transcending our powers and justly subjecting ourselves to criticism.

The committee has to track fully and completely the law under which it is acting, and a copy of all testimony has been placed in your hands, together with such recommendations as it has occurred to us should be made.

You can read for yourself this testimony and determine whether there have been any violations of the law by your appointees in the penitentiary service, and if so, then take the necessary steps to have proper punishment meted out to such violators of the law.

Respectfully submitted,
(Signed)

STAMPS,
PAULUS,
MOLLER.

AFTERNOON SESSION.

Testimony of L. Hermaize, R. B. Cousins, J. H. Walker and Jno. L. Wortham was taken.

Adjourned till tomorrow morning at 9 o'clock.

TUESDAY, FEBRUARY 15, 1910, AT HUNTSVILLE.

MORNING SESSION.

Committee met at 9 a. m. and began the consideration of its report to the Governor.

Statement of Henderson and Tomkins, presented to committee by T. S. Henderson in Austin November 23, 1909, was ordered inserted with testimony of the committee.

On motion the report of the Corporation Audit Company, employed to audit the books and accounts of the penitentiary system, was received, and the chairman of the committee instructed to pay the said Corporation Audit Company the balance of 25 per cent of the contract price held, according to the contract, till the acceptance of their work.

The report was accepted by the following vote: Ayes—Senators Hudspeth Paulus and Greer; Representatives Moller, Lee, Stamps and Gilmore. Nays, 0.

Mr. Lee offered the following, which was unanimously adopted, viz.:

"The Penitentiary Investigating Committee, appointed by the Thirty-first Legislature, which employed the Corporation Audit Company to audit the books pertaining to the penitentiary system of Texas, has carefully gone over the report of said auditors made by said company to this committee, and the committee is of the opinion that said report has been accurately, skillfully and carefully made, and we accept the same as being reliable and accurate. We desire to express our thanks to said company for the patient and careful manner in which they have gone over this report with the committee."

Report of the subcommittee, composed of Senators Huspeth and Stamps, was received.

AFTERNOON SESSION.

Committee continued the consideration of the report to the Governor.

Corporation Audit Company presented to the committee an account for \$2,196 for extra work in auditing books and accounts of the Penitentiary System, setting forth as reasons therefor that in order to do the work intelligently they had to go back ten months prior to the time the contract called for that they begin work, viz., November 1, 1900, and further on account of extra amount of labor required in posting books for the period of some thirty months which they found had not been posted, and which was necessary to do in order to make an intelligent audit.

NIGHT SESSION.

Committee continued consideration of its report to the Governor.

Adjourned until tomorrow morning at 9 o'clock.

WEDNESDAY, FEBRUARY 16, 1910. AT HUNTSVILLE.

Committee met at 9 o'clock.

The report of the committee was adopted and the chairman instructed to carry same to Austin and present to the Governor.

The remainder of the day was spent in copying report and attending to other matters regarding the committee's work, it being night before the work was finally completed.

The committee then adjourned sine die.

The following accounts were presented to the chairman, Mr. Gilmore, and by him approved:

In account with F. C. Weinert, July 29, 1909:

Railroad fare, Austin to Huntsville.....	\$ 6 30
Railroad fare, Huntsville to New Braunfels.....	2 75
Hotel expense, ten days, at \$2.....	20 00
Per diem, July 18 to 27 (10 days), at \$5.....	50 00
Sleeper, Austin-Houston.....	2 00
Sleeper, Palestine to New Braunfels.....	2 00
Hack fare to Seguin.....	2 50
Total	\$ 94 15

In account with C. E. Gilmore:

July 19, railroad fare and sleeper, Austin to Huntsville.....	\$ 8 30
July 30, railroad fare, Huntsville to Wills Point, via Longview.....	7 50
July 20, hotel expense at Houston.....	35
July 30, hotel expenses at Huntsville.....	16 50
Thirteen days, per diem, July 18 to 30, inclusive.....	65 00
July 18 and 19, hotel expense at Austin, two and one-third days.....	5 00
July 30, hotel supper at Trinity.....	50
Sleeper to Longview.....	2 00
Telegrams for committee.....	12 45
Total	\$ 117 60

In account with W. J. Greer:

July 19, railroad fare and sleeper, Austin to Huntsville.....	\$ 8 30
July 30, railroad fare and sleeper, Huntsville to Wills Point, via Longview	9 50
Hotel expense at Austin and Houston.....	2 35
Hotel expense at Huntsville.....	17 00
Per diem (14 days), July 18 to 31, inclusive.....	70 00
Total	\$ 107 15

In account with Tobin's Book Store, Austin, Texas, as per bill rendered July 19, 1909:

10 Reams rough onion skin.....	\$ 11 00
2 Boxes permanent record carbon.....	9 00
4 Dozen note books, No. 3762.....	4 80
1 Ream 6-pound Agawam bond.....	1 08
1 Webster T. W. ribbon.....	75
1 Dozen Eagle Mikado pencils.....	50
1,000 12-pound Agawam Bond T. W. Hds. Ptd. Blue.....	2 80
500 Envelopes, 1521-6½ Ptd. Blue.....	1 33
Total	\$ 31 26

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In account with Von Boeckmann-Jones Company, Austin, as per bill rendered July 27, 1909:

250 Statements, Comp. 2250 P. W. 1 token, 250 ruled statements, time
15 min\$ 1 00

In account with Brown F. Lee, July 14 to 28:

Railroad fare, San Angelo to Austin.....	\$ 9 00
Supper, Brownwood.....	50
Sleeper, Temple to Austin.....	2 00
July 19, hotel, Austin.....	10 50
Railroad fare, Austin to Huntsville.....	6 30
Sleeper, Austin to Huntsville.....	2 00
July 27, hotel expense, Huntsville.....	14 00
Hack at Huntsville.....	25
Railroad fare, Huntsville to Houston.....	2 20
Dinner at Houston.....	50
Supper at Houston.....	75
Sleeper, Houston to Temple.....	2 00
Railroad fare, Houston to Temple.....	4 85
July 28, railroad fare, Temple to San Angelo.....	6 80
Sleeper, Temple to San Angelo.....	1 00
Breakfast	50
July 29, hack at San Angelo.....	25
Per diem (15 days) from July 14 to 28, inclusive.....	75 00
Total	\$ 118 40

In account with D. A. Paulus, July 18 to August:

Railroad fare and sleeper, Austin to Huntsville.....	\$ 8 30
Railroad fare, Huntsville to Hallettsville.....	6 05
Hotel expense at Huntsville (9 days).....	13 50
Hotel expense at Austin, 2 days, coming and going.....	4 00
Hotel expense, coming and going.....	2 15
Per diem, 14½ days at \$5.....	72 50
Total	\$ 106 50

In account with F. C. Weinert, August 5 to 7:

Railroad fare, Seguin to Austin.....	\$ 3 65
Railroad fare, Austin to Seguin.....	3 65
Hotel expense at Austin.....	4 00
Per diem, two days, August 5.....	10 00
Total	\$ 21 30

In account with Jens. Moller, August 4 to 7:

Railroad fare, Galveston to Austin.....	\$ 6 40
Sleeper, Galveston to Austin.....	2 00
Hotel expense at Austin, three days at \$2.50.....	7 50
Per diem, four days, August 4 to 7.....	20 00
Total	\$ 42 30

In account with C. B. Hudspeth, August 9:

Board, six days at Austin.....	\$ 12 00
Per diem, six days, four days waiting in Austin and two days in session from August 2 to 7, inclusive.....	30 00
Telegram to Weinert by order of committee.....	1 50
Total	\$ 43 50

In account with W. O. Stamps:

August 4, railroad fare, Stamps to Austin.....	\$ 8 20
August 4, railroad fare and sleeper, Austin to Stamps.....	10 20
August 4, hotel expense at Gilmer.....	25
August 4, per diem, August 4, 5, 6 and 7.....	20 00
August 4, telephone Gilmer to Austin.....	1 20
August 4, sleeper, Waco to Austin.....	2 00
August 4, hotel at Austin.....	6 00
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Total	\$ 48 35

In account with W. H. Long:

July 31, railroad fare, Huntsville to Houston.....	\$ 2 20
July 31, railroad fare, Houston to Austin, and sleeper.....	6 05
July 31, hotel expense at Houston.....	40
August 28, per diem, 25 days, July 31 to August 28, excluding Sundays..	125 00
August 28, postage stamps.....	1 25
July 31, bus at Huntsville.....	25
July 31, hack at Houston.....	50
August 1, transfer baggage, Austin.....	25
August 28, binding 9 records (testimony), Von Boeckmann-Jones.....	6 75
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Total	\$ 143 55

In account with Corporation Audit Company, Dallas:

First payment on account, as per bill rendered September 15.....	\$ 987 68
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In account with Corporation Audit Company, Dallas:

Second payment on account of contract, as per bill rendered October 15	\$1,013 34
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In account with W. H. Long:

To per diem from August 30 to and including September 25, 1909, excluding Sundays, 24 days, at \$5 per day.....	\$ 120 00
To board from August 1, 1909, to September 25, 1909.....	40 00
To binding 9 records at Von Boeckmann, Jones & Co.....	6 75
To express charges on 17 records and two packages paper.....	6 70
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Total	\$ 173 45

In account with Tobin's Book Store:

August 3, 1 box permanent record carbon.....	\$ 4 50
August 28, 2 boxes permanent record carbon.....	9 00
August 28, 1 Webster typewriter ribbon.....	75
August 28, 5 reams rough onion skin.....	5 50
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Total	\$ 19 75

In account with J. R. Bowman, July 18 to August 1, 1909:

Railroad fare and Pullman from Austin to Houston.....	\$ 8 30
Hotel expenses at Austin.....	5 25
Hotel expenses at Huntsville.....	18 00
Fifteen days per diem, July 18 to August 1, 1909.....	75 00
July 18, breakfast.....	75
July 20, breakfast.....	35
July 31, railroad fare, Huntsville to Houston.....	2 20
Ticket and Pullman, Houston to Ft. Worth.....	9 75

Hack	50
Dinner and supper.....	1 50
Ticket and Pullman, Ft. Worth to Amarillo.....	12 10
Breakfast en route.....	65
Total	\$ 134 35

In account with R. J. Ritchie, witness:

November 22, railroad fare, Hillsboro to Austin and return.....	\$ 7 65
Two days' per diem.....	3 00
Total	\$ 10 65

In account with J. W. Pierce, witness:

November 22, railroad fare from Blum to Austin and return.....	\$ 10 35
Two days' per diem.....	3 00
Total	\$ 13 35

In account with W. J. Greer, November 24:

Railroad fare, Houston to Austin.....	\$ 4 95
Railroad fare from Austin to Wills Point.....	7 00
Hotel expenses at Austin.....	22 00
Nine days' per diem, November 17 to 25.....	45 00
Total	\$ 78 00

In account with F. C. Weinert, November 24:

Railroad fare, Austin to Seguin.....	\$ 3 95
Hotel expenses at Austin.....	28 00
Ten days' per diem, November 5 to 24, inclusive.....	50 00
Total	\$ 81 95

In account with Senator D. A. Paulus, November 24:

Railroad fare from Austin to Hallettsville, via San Antonio.....	\$ 6 00
Dinner at Yoakum.....	50
Hotel expense at Austin, November 15 to 24.....	18 00
Hotel expense at San Antonio, three-fourths of a day.....	2 50
Transfer	50
Ten days' per diem, November 16 to 25.....	50 00
Total	\$ 77 50

In account with Jens. Moller, November 24:

November 14, 1909, railroad fare, Galveston to Austin.....	\$ 6 40
Sleeper	2 00
Hotel at Austin, November 24, 10 days at \$2.50.....	25 00
November 24, railroad fare and sleeper, Austin to Galveston.....	8 40
Ten days' per diem at \$5.00.....	50 00
Total	\$ 91 80

In account with C. B. Hudspeth:

Hack fare from Roush to Comstock.....	\$ 5 00
Railroad fare, Comstock to Houston.....	12 30
Sleeper	2 00
Hotel fare from Roush to Houston.....	5 00
Services on committee, November 4 to 11.....	35 00
Railroad fare from Houston to Austin.....	4 95

Sleeper	2 00
Hotel fare at Houston.....	12 00
Hotel fare at Austin, 9 days.....	22 50
Nine days' service, November 16 to 24, inclusive.....	45 00
Railroad fare, Austin to El Paso, and sleeper.....	20 60
Hotel bill en route.....	3 00
Two days' per diem en route.....	7 50
Telegram to Durham with reference to whereabouts of committee.....	10 00
Railroad fare from Houston to Harlem.....	11 00
Railroad fare from Harlem to Houston.....	85
Railroad fare from Sugarland to Houston.....	75
Railroad fare from Houston to Shenango and return.....	1 85
Total	\$ 191 30

In account with Representative W. O. Stamps:

Railroad fare, Stamps to Rusk.....	\$ 5 25
Transfer at Rusk, \$1.75; hotel, \$6.00.....	7 75
Railroad fare, Rusk to Jacksonville.....	45
Railroad fare, Jacksonville to Houston.....	5 35
Hotel, Palestine, 50c; sleeper, Palestine to Houston, \$1.00.....	1 50
Bus, Houston, 25c; hotel at Houston, \$4.05.....	4 30
Railroad fare, Houston to Harlem, 85c; railroad fare, Sugarland to Houston, 70c.....	1 55
Hotel at Houston.....	3 55
Bus, Houston, 50c; railroad fare, Houston to Shenango, \$1.10.....	1 60
Railroad fare, House to Houston, 70c; bus at Houston, 25c.....	95
Hotel at Houston.....	4 10
Railroad fare, Houston to Brazoria.....	1 90
Railroad fare, Brazoria to Houston.....	1 90
Bus fare at Houston, 50c; hotel at Houston, \$4.35.....	4 85
Railroad fare, Houston to Adventure.....	1 20
Railroad fare, Huffsmith to Houston.....	75
Transfer, Tomball to Huffsmith, 50c; hotel, 25c.....	95
Hotel at Houston.....	4 15
Railroad fare, Houston to Austin.....	4 95
Hotel at Austin.....	22 00
Per diem, November 1 to 25, inclusive, 25 days.....	125 00
Total	\$ 204 00

In account with F. J. Sims, stenographer:

Houston hotel bill.....	\$ 10 25
Railroad fare, Houston to Shenango.....	1 10
House plantation to Houston.....	70
Bus	25
Houston hotel bill.....	12 45
Railroad fare, Houston to Adventure.....	1 15
Dinner at Tomball.....	25
Railroad fare, Tomball to Houston.....	1 00
Houston hotel bill.....	3 00
Railroad fare, Houston to Austin.....	4 95
Dinner en route to Austin.....	35
Thirteen days as stenographer, at \$5.00.....	65 00
Total	\$ 100.45

In account with R. L. Thompson, November 24:

To services as stenographer, 5 days.....	\$ 25 00
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In account with J. W. Ashley, witness:

October 30, 1909, railroad fare, Whitewright to Huntsville.....	\$ 11 35
November 3, 1909, railroad fare, Huntsville to Whitewright.....	11 15
Five days' time at \$1.50 per day, October 23, 24, 25, 26, 27.....	7 50
Total	\$ 30 00

The following accounts were approved by the chairman from time to time:

Austin, Texas, November 16, 1909.

W. J. Greer, in account with the Penitentiary Investigating Committee:

October 26, hotel expenses at Huntsville.....	\$ 8 50
Supper at Trinity.....	50
Hotel expenses at Palestine.....	1 00
Dinner at Rusk.....	45
Railroad fare from Huntsville to Palestine.....	2 75
Bus fare at Rusk.....	4 50
Railroad fare from Navasota to Conroe.....	1 30
Hotel expenses at Rusk.....	14 00
Railroad fare from Rusk to Jacksonville.....	45
Hotel expenses at Palestine.....	50
Railroad fare from Jacksonville to Houston and sleeper.....	6 35
Breakfast at Houston.....	1 15
Dinner at Houston.....	75
Car fare, from railroad to hotel.....	05
Supper at Houston.....	60
Breakfast at Houston.....	85
Night's lodging at Houston.....	2 00
Railroad fare from Houston to Harlem farm.....	85
Railroad fare from Sugarland to Houston.....	70
Supper and breakfast at Houston.....	1 50
Railroad fare from Houston to Ramsey farm.....	1 10
Hotel expenses at Houston.....	3 00
Bus and carriage fare at Houston.....	2 50
Room at Houston.....	2 00
Bus fare at Houston.....	25
Supper and breakfast at Houston.....	1 50
Railroad fare from Houston to Brazoria.....	1 90
Railroad fare from Brazoria to Houston.....	1 90
Bus fare and supper at Houston.....	1 00
Breakfast at Houston.....	75
Room at Houston.....	2 00
Railroad fare from Houston to Adventure.....	1 15
Dinner at Tom Ball.....	25
Hack fare.....	50
Railroad fare from Huff Smith to Houston.....	1 05
Bus at Houston.....	25
Room and breakfast at Houston.....	2 65
Railroad fare from Houston to Austin.....	4 90
Per diem from October 24, 1909, to November 16, 1909, both days, inclusive, 24 days, at \$5.00 per day.....	120 00
Total	\$ 198 15

Approved for \$198.15, November 16, 1909.

C. E. GILMORE,
Chairman.

Huntsville, Texas, November 15, 1909.

Penitentiary Investigating Committee, Hon. C. E. Gilmore, Chairman to Corporation Audit Company, Dr., Dallas, Texas—

For third payment on contract for auditing the books and accounts of the State penitentiary system:

Total	\$1,339 12
Less 25 per cent retained as per contract.....	334 78
Amount due as third payment.....	1,004 34

Approved for \$1004.34, November 17, 1909.

C. E. GILMORE,
Chairman.

Austin, Texas, November 16, 1909.

D. A. Paulus, in account with the Penitentiary Investigating Committee:

October 17, to railroad fare from Hallettsville to Eagle Lake.....	\$ 1 45
To railroad fare from Eagle Lake to Wharton, Harlem, Houston, Simon- ton, Brazoria and back to Houston.....	10 45
To hotel expenses at Eagle Lake, Wharton, Rosenberg and Houston for seven days out.....	21 80
To railroad fare and one bus fare, 25 cents, Houston to Huntsville.....	2 45
To railroad fare and 25 cents bus fare, Huntsville to Rusk.....	4 00
To hotel expenses at Huntsville.....	7 00
To hotel expenses at Palestine.....	1 00
To bus fare while at Rusk.....	3 25
To hotel expenses at Rusk.....	14 50
To railroad fare, Rusk to Houston.....	5 80
To two bus fares.....	50
To one sleeper.....	1 50
To supper at Jacksonville.....	50
To hotel expenses at Houston, one and one-fourth days.....	4 25
To railroad fare, Houston to Harlem.....	85
To railroad fare, Sugarland to Houston.....	70
November 10, hotel expenses at Houston.....	3 25
November 12, railroad fare, Houston to Brazoria.....	1 90
Railroad fare, Brazoria to Houston.....	1 90
Buggy, Brazoria to Clemens farm.....	2 00
Two bus fares.....	50
November 13, hotel expenses at Houston.....	3 25
To railroad fare from Houston to Texas & Brazos Valley convict farm and return, including 50 cents bus, 50 cents wagon and 25 cents for dinner.....	3 45
November 14 and 15, hotel expenses at Houston.....	3 25
To railroad fare, Houston to Austin.....	4 95
To lunch at Brenham.....	30
Per diem, October 17 to Nov. 15, 1909, inclusive, less one day, November 11, 1909, spent in Houston, 29 days, at \$5.00 per day.....	145 00
Total due November 16, 1909.....	\$ 249 75

Approved for \$249.75, November 16, 1909.

Austin, Texas, November 17, 1909.

H. P. Erwin, witness, in account with Penitentiary Investigating Committee:

To railroad fare from Dallas to Austin.....	\$ 6 25
To railroad from from Austin to Dallas.....	6 25
Per diem, two days, from November 16, 1909, to November 17, 1907, in- clusive, at \$1.50.....	3 00
Total	\$ 15 50

Approved for \$15.50, November 17, 1909.

Austin, Texas, November 16, 1909.

J. R. Bowman, in account with the Penitentiary Investigating Committee:

October 19, hack, Amarillo	\$	25
October 19, breakfast		65
October 19, dinner		75
October 19, supper		50
October 19, ticket, Amarillo to Cameron	14	70
October 20, breakfast and room	2	00
October 20, phone to Sergeant Gentry		50
October 20, phone to Allenfarm		50
October 20, bus		25
October 21, Cameron hotel	1	50
October 21, ticket, Cameron to Calvert	1	95
October 21, supper and bed, Calvert	1	00
October 21, ticket, Calvert to Hearne		25
October 21, bed, Hearne		50
October 22, breakfast		55
October 22, ticket, Hearne to Wood's Gin		25
October 22, ticket, Wood's Gin to Bryan		55
October 23, hotel, Bryan	1	50
October 24, ticket to Navasota		70
October 24, Navasota to Conroe	1	30
October 24, Conroe to Huntsville	1	05
October 24, breakfast, Conroe		50
October 27, hotel, Huntsville	6	50
October 27, Huntsville to Palestine	2	75
October 27, supper, Trinity		50
October 28, hotel, Palestine	1	00
October 28, hack, Palestine		25
October 28, dinner, Rusk		25
October 28, Palestine to Rusk	1	00
October 28, 29, November 1, 2, 3 and 4, hack, Rusk	3	75
November 4, hotel, Rusk	10	00
November 4, Rusk to Jacksonville		45
November 4, Jacksonville to Houston	5	35
November 4, transfer baggage		25
November 4, supper, Palestine		50
November 4, sleeper, tourist	1	00
November 5, street car		05
November 5, breakfast, Houston		75
November 5, dinner, Houston		85
November 5, supper, Houston	1	10
November 6, room, Houston	2	00
November 6, breakfast, Houston		85
November 6, Houston to Harlem		85
November 8, Sugarland to Houston		70
November 8, dinner, Houston	1	05
November 8, supper, Houston	1	00
November 9, breakfast, Houston		75
November 9, room, Houston	2	00
November 9, Houston to Shenango	1	10
November 9, Houston, hack		50
November 10, carrying grips		25
November 10, House to Houston		70
November 10, hack, Houston		50
November 10, supper, Houston	1	00
November 11, breakfast		65
November 11, room	1	50
November 11, bus		25
November 11, Houston to Brazoria	1	90
November 11, telegram		50

November 13, Brazoria to Houston.....	1 90
November 13, hack	50
November 13, supper, Houston	1 00
November 14, breakfast, Houston	70
November 14, dinner, Houston	80
November 14, supper, Houston	1 20
November 15, breakfast, Houston	65
November 15, room	4 00
November 15, phone, committee work.....	10
November 15, dinner	10
November 15, Houston to Austin.....	4 95
November 15, car fare, Austin.....	05
Per diem from October 19 to November 15, less one day in Dallas.....	135 00
Total	\$ 237 00

Approved for \$237, November 17, 1909.

Austin, Texas, November 17, 1909.

F. C. Weinert, in account with the Penitentiary Investigating Committee:

Railroad fare from Seguin to Eagle Lake.....	\$ 3 25
Railroad fare from Eagle Lake to Wharton, Brazoria, Harlem, Sinton and back to Houston.....	10 45
Hotel expenses at Eagle Lake, Wharton and Houston, seven days.....	21 80
Per diem, October 17 to 24, inclusive.....	40 00
Per diem, November 1 to 11, inclusive	55 00
Railroad fare to Sugarland and back to Houston.....	1 40
Hotel expenses, 11 days.....	21 00
Railroad fare from Houston to Austin and sleeper.....	6 95
Phone expenses	3 25
Total	\$ 163 10

Approved for \$163.10, November 17, 1909.

Galveston, Texas, September 15, 1909.

Jens. Moller, in account with the Penitentiary Investigating Committee:

September 12, to railroad fare from Galveston to Huntsville.....	\$ 3 65
To railroad fare from Huntsville to Galveston.....	3 65
To hotel expenses at Huntsville, September 12, 13 and 14, 3 days at \$2.00	6 00
Per diem, 3 days, from September 12, 1909, to September 15, inclusive..	15 00
Total	\$ 28 30

Approved for \$28.30, October 30, 1909.

Galveston, Texas, August 23, 1909.

Jens. Moller, in account with the Penitentiary Investigating Committee:

August 17, to railroad fare from Galveston to Huntsville.....	\$ 3 65
August 21, to railroad fare from Huntsville to Galveston.....	3 65
To hotel expense at Huntsville, August 18, 19, 20 and 21, 4 days at \$2.00	8 00
Per diem, 8 days, from August 17, 1909, to August 21, inclusive.....	25 00
Total	\$ 40 30

Approved for \$40.30, October 30, 1909.

Rusk, Texas, October 29, 1909.

C. E. Gilmore, in account with Penitentiary Investigating Committee:

To railroad fare from Wills Point to Huntsville, via Mineola.....	\$ 6 30
To railroad fare from Huntsville to Wills Point, via Longview.....	7 50
To hotel expenses at Mineola; breakfast at Palestine.....	50

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Per diem, 2 days, from September 13, 1909, to September 14, 1909, inclusive	10 00
Sleeper, Phelps to Longview.....	2 00
Supper at Trinity.....	50
Hotel at Huntsville.....	3 00
Total	\$ 29 80

Approved for \$29.80, October 30, 1909.

(For special trip to Huntsville. Account ordered approved by full committee.)

C. E. Gilmore, in account with the Penitentiary Investigating Committee:

October 17, railroad fare, Wills Point to Waco.....	\$ 3 95
October 17, hotel at Dallas.....	1 00
October 18, railroad fare, Waco to Fowler.....	1 30
October 18, railroad fare, Fowler to Waco.....	1 30
October 18, parlor car seat, Waco to Fowler.....	15
October 18, parlor car seat, Fowler to Waco.....	15
October 17, bus at Dallas.....	25
October 17, bus at Waco.....	25
October 18, bus at Waco.....	25
October 18, hotel expense at Waco.....	1 65
October 18, ducking for wagon sheet to protect committee to convict camp	1 05
October 19, hotel at Waco.....	2 50
October 19, railroad fare, Waco to Cameron.....	1 60
October 19, bus, Cameron.....	25
October 20, hotel at Cameron.....	1 00
October 20, telephone at Cameron.....	30
October 20, railroad fare, Cameron to Allen farm.....	1 95
October 20, railroad fare, Allen farm to Navasota.....	25
October 20, telephone to Bowman from Navasota.....	25
October 21, hotel at Navasota.....	1 00
October 21, railroad fare, Navasota to Calvert.....	1 75
October 21, hotel at Calvert.....	1 00
October 22, hotel at Calvert.....	2 00
October 22, telephone to T. & B. V. R. official.....	60
October 22, railroad fare, Calvert to Huntsville.....	4 10
October 22, hotel expense en route to Huntsville.....	2 00
Per diem, six days, October 17 to October 23, inclusive.....	30 00
Postage used from beginning of committee.....	3 00
Total	\$ 64 85

Approved for \$64.85, October 30, 1909.

Rusk, Texas, October 30, 1909.

C. E. Gilmore, in account with the Penitentiary Investigating Committee:

October 27, to railroad fare from Huntsville to Rusk.....	\$ 3 75
October 27, to hotel expense at Huntsville.....	4 50
October 27, to hotel expense at Rusk.....	4 00
October 27, to hotel expense at Rusk.....	35
Per diem, 7 days, from October 24 to October 30, 1909, inclusive.....	35 00
October 28, hotel, Palestine.....	1 00
October 27, telegram to Weinert.....	40
October 27, hotel at Trinity.....	50
October 27, baggage transfer at Palestine for stenographer.....	25
October 27, transfer at Rusk.....	25
October 29, transfer to and from penitentiary.....	25
October 30, transfer to and from penitentiary.....	25
Total	\$ 50 50

Approved for \$50.50, October 30, 1909.

Rusk, Texas, October 31, 1909.

Nape Oxford, in account with the Penitentiary Investigating Committee:

Express on stationery at Huntsville.....	\$	85
Huntsville hotel bill (23rd to 27th inst.).....		8 50
Hauling grips at Huntsville.....		25
Huntsville to Palestine (railroad fare).....		2 75
Supper at Trinity.....		50
Palestine to Jacksonville (railroad fare).....		80
Bed and breakfast at Jacksonville.....		1 00
Jacksonville to Rusk (railroad fare).....		45
Jacksonville transfer and hauling baggage.....		50
Rush transfer (penitentiary and back twice a day).....		50
Six days' work as reporter (25th to 30th inst., inclusive) at \$5 per day.....		30 00
Total.....	\$	46 10

Approved for \$46.10, October 31, 1909.

Rusk, Texas, October 31, 1909.

F. J. Sims, in account with the Penitentiary Investigating Committee:

Huntsville hotel bill, October 23 to 27.....	\$	8 00
Railroad fare, Huntsville to Jacksonville.....		3 55
Supper at Trinity.....		50
Room and breakfast at Jacksonville.....		1 00
Jacksonville transfer and hauling baggage.....		50
Railroad fare, Jacksonville to Rusk.....		45
To six days' work as reporter at \$5 per day, October 25 to 30, inclusive.....		30 00
Total.....	\$	44 25

Approved for \$44.25, October 31, 1909.

Austin, Texas, October 21, 1909.

Tobin's Book Store, in account with the Penitentiary Investigating Committee:

October 21, 10 reams rough onion skin.....	\$	11 00
October 21, 2 boxes permanent record carbon.....		9 00
October 21, 2 dozen stenographer's note books, 3762.....		2 40
October 21, 1 Webster T. W. ribbon.....		75
October 21, dozen Mikado pencils.....		50
Total.....	\$	23 65

Approved for \$23.65, November 8, 1909.

Austin, Texas, October 1, 1909.

Tobin's Book Store, in account with the Penitentiary Investigating Committee:

September 10, 5 reams rough onion skin.....	\$	5 50
September 10, 1 Webster T. W. ribbon.....		75
Total.....	\$	6 25

Approved for \$6.25, November 8, 1909.

Rusk, Texas, November 4, 1909.

Tom Duckett, witness, in account with the Penitentiary Investigating Committee:

To railroad fare from Longview to Rusk.....	\$	2 05
To railroad fare from Rusk to Longview.....		2 05

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Per diem, two days, from November 3, 1909, to November 4, 1909, inclusive	3 00
Total	\$ 7 10

Approved for \$7.10; November 4, 1909.

Rusk, Texas, November 2, 1909.

Jno. L. Wortham, witness, in account with Penitentiary Investigating Committee:

To railroad fare from Dallas to Rusk.....	\$ 4 00
To railroad fare from Rusk to Dallas.....	4 00
Per diem, two days, from November 1, 1909, to November 2, 1909, inclusive	3 00
Total	\$ 11 00

Approved for \$11.00, November 2, 1909.

Rusk, Texas, November 2, 1909.

J. H. Walker, witness, in account with Penitentiary Investigating Committee:

To railroad fare from Austin to Rusk.....	\$ 6 65
To railroad fare from Rusk to Austin.....	6 65
Per diem, two days, from November 1, 1909, to November 2, 1909, inclusive, at \$1.50 per day.....	3 00
Total	\$ 16 30

Approved for \$16.30, November 2, 1909.

Houston, Texas, November 6, 1909.

F. J. Sims, in account with Penitentiary Investigating Committee:

Rusk hotel bill (seven days).....	\$ 14 00
Transfer at Rusk (to and from hotel).....	50
Bus fare from hotel to Rusk Penitentiary (three days).....	1 50
Railroad fare, Rusk to Jacksonville.....	45
Supper at Jacksonville.....	50
Transfer at Jacksonville.....	25
Railroad fare, Jacksonville to Houston.....	5 35
Sleeper, Palestine to Houston.....	1 00
To six days' work as reporter at \$5 per day, November 1 to 6, inclusive	30 00
Total	\$ 53 55

Huntsville, Texas, October 25, 1909.

F. J. Sims, in account with Penitentiary Investigating Committee:

Railroad fare, Eagle Lake to Wharton.....	\$ 90
Phone, Wharton to Eagle Lake (for Senator Weinert).....	50
Note books.....	60
Wharton hotel bill.....	3 50
Wharton transfer.....	25
Railroad fare, Wharton to Harlem.....	1 00
Railroad fare, Sugarland to Houston.....	70
Dinner at Houston.....	75
Supper at Houston.....	70
Typewriter and carbon paper.....	2 75
Rental of typewriter for one month.....	5 00
Breakfast at Houston.....	60
Railroad fare, Houston to Simonton and return.....	2 40
Supper at Houston.....	1 00
Breakfast at Houston.....	75

Dinner at Houston.....	50
Houston hotel bill, 3 days.....	5 50
Houston transfer.....	25
Railroad fare, Houston to Huntsville.....	2 20
To 6 days' work as reporter, at \$5.00 per day, October 18 to 23, inclusive.....	30 00
Total	\$ 59 85

Approved for \$59.85, November 6, 1909.

Harlem State Farm, Texas, November 7, 1909.

Nape Oxford, in account with Penitentiary Investigating Committee:

Rusk Hotel, from October 28 to November 4.....	\$ 14 50
Hack fare to penitentiary and return twice.....	1 00
Fare from Rusk to Jacksonville.....	45
Baggage transfer, Rusk.....	25
Baggage transfer, Jacksonville, one depot to another.....	25
Fare from Jacksonville to Houston, including sleeper.....	6 35
Houston street car fare.....	05
Houston, breakfast.....	55
Houston, dinner.....	75
Houston, supper.....	75
Houston, breakfast.....	50
Room at Houston.....	2 00
Fare from Houston to Harlem.....	85
Baggage transfer, Houston.....	25
Supper at Jacksonville.....	25
To 7 days' labor as stenographer from November 1 to November 7, inclusive, at \$5.00 per day.....	35 00
Total	\$ 63 75

Approved for \$63.75, November 8, 1909.

Austin, Texas, September 13, 1909.

W. O. Stamps, in account with Penitentiary Investigating Committee:

Railroad fare, Stamps to Huntsville.....	\$ 6 25
Hotel, 3 days.....	6 25
Sleeper, Palestine to Phelps.....	1 50
Railroad fare, Huntsville to Stamps.....	6 25
Three days' service.....	15 00
Total	\$ 35 25

Approved for \$35.25.

Austin, Texas, November 14, 1909.

Jens. Moller, in account with Penitentiary Investigating Committee:

October 24, railroad fare, Galveston to Huntsville.....	\$ 3 65
Hotel, Huntsville, October 25, 26 and 27 (3 days) at \$2.00.....	6 00
October 27, railroad fare, Huntsville to Palestine.....	2 75
October 28, Palestine to Rusk.....	1 00
November 4, bus fare in Rusk.....	3 00
Hotel in Rusk, 7 days at \$2.00.....	14 00
Railroad fare, Rusk to Houston.....	5 75
Sleeper.....	1 50
November 5, hotel in Houston.....	3 00
November 6, railroad fare, Houston to Harlem farm.....	85
November 7, railroad fare, Sugarland to Galveston.....	2 20
November 7, supper in Houston.....	75
Per diem, October 24 to November 7, 15 days, at \$5.00.....	75 00
Total	\$ 119 45

Approved for \$119.45, November 16, 1909.

Austin, Texas, November 17, 1909.

Penitentiary Investigating Committee, in account with C. E. Gilmore:

November 1, to telephone to Herring for committee.....	\$ 40
November 1, to telephone Duckett.....	30
November 1, to telephone Herring.....	45
November 4, to hotel at Rusk.....	10 00
November 4, to bus to and from prison, Rusk.....	3 75
November 4, to telegrams for committee.....	1 50
November 4, to fare to Jacksonville.....	45
November 4, to fare, Jacksonville to Houston.....	5 35
November 4, to supper, Palestine.....	50
November 4, to tourist sleeper to Houston.....	1 00
November 5, to breakfast, Houston.....	75
November 5, to dinner, Houston.....	75
November 5, to supper, Houston.....	65
November 5, to telephone to Harlem.....	25
November 5, to room, Houston.....	2 00
November 6, breakfast, Houston.....	75
November 6, fare, Houston to Harlem.....	85
Seven days' per diem, October 31 to November 6, 1909, inclusive.....	35 00
Total	\$ 64 70

Approved for \$64.70, November 17, 1907.

Austin, Texas, November 17, 1909.

Penitentiary Investigating Committee, in account with C. E. Gilmore:

November 10, to fare, Sugarland to Houston.....	\$ 70
November 10, to supper, Houston.....	85
November 10, to room, Houston.....	2 50
November 11, to breakfast, Houston.....	70
November 11, to bus, Houston.....	25
November 11, to fare, Houston to Brazoria.....	1 90
November 13, to telegram to Lee from Brazoria.....	50
November 13, to telegram to T. & B. V. officials.....	55
November 13, to fare, Brazoria to Houston.....	1 90
November 13, to bus, Houston.....	25
November 13, to fare, Houston to Austin.....	4 95
November 13, to sleeper, Houston to Austin.....	2 00
Seven days, per diem, November 7 to November 13, 1909, inclusive....	35 00
Total	\$ 52 05

Approved for \$52.02, November 17, 1909.

Austin, Texas, November 15, 1909.

Penitentiary Investigating Committee, in account with Nape Oxford:

Sugarland to Houston (railroad fare).....	\$ 70
Supper (Houston).....	1 00
Room (Houston).....	1 00
Breakfast (Houston).....	65
Hack fare (Houston).....	25
Houston to Brazoria (railroad fare).....	1 90
Brazoria to Houston (railroad fare).....	1 90
Hack fare (Houston).....	25
Supper (Houston).....	1 00
Room (Houston).....	2 00
Baggage transfer (Houston).....	25
Breakfast (Houston).....	75
Houston to Austin (railroad fare).....	4 95
Houston to Austin (Pullman).....	1 00

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Lunch (Austin).....	45
To six days' labor at \$5 per day (from 8th to 13th November, inclusive)	30 00
Total	\$ 48 05

Approved for \$48.05, November 15, 1909.

Wills Point, Texas, November 26, 1909.

Penitentiary Investigation Committee, in account with C. E. Gilmore:

To railway fare from Austin to Wills Point.....	\$ 7 00
To sleeper fare from Austin to Dallas.....	2 00
To hotel expenses at Austin.....	28 25
To hotel expenses at Dallas.....	1 00
Per diem, thirteen days, from November 14, 1909, to November 26, 1909, inclusive	65 00
November 20, to telegram.....	40
November 23, to telephone to Durham.....	1 00
November 24, to express on testimony.....	45
Total	\$ 105 10

Approved November 26, 1909.

Granbury, Texas, November 27, 1909.

The State of Texas to Nape Oxford, official stenographer, Dr. (Penitentiary Investigating Committee):

Austin hotel bill.....	\$ 2 75
Austin cab fare, including baggage.....	50
Austin to Fort Worth (railroad fare).....	5 90
Pullman (Austin to Fort Worth).....	2 00
Breakfast at Fort Worth.....	50
Dinner at Fort Worth.....	50
Fort Worth to Stephenville (railroad fare).....	2 20
Six days' labor at \$5 per day (November 22 to 27, inclusive).....	30 00
Total	\$ 44 35

Approved November 27, 1909.

November 29, 1909.

State of Texas to F. J. Sims, stenographer to Penitentiary Investigating Committee:

Hotel at Austin, November 15 to 29, inclusive, fifteen days.....	\$ 31 50
Services as stenographer, November 22 to November 29, inclusive (worked Sunday, November 28), at \$5.00 per day, eight days.....	40 00
Railroad fare, Austin to Galveston.....	6 40
Meals en route.....	1 00
Rent of typewriter, two weeks.....	2 00
Total	\$ 80 90

Approved November 29, 1909.

Dallas, Texas, December 1, 1909.

Penitentiary Investigating Committee, in account with J. W. Wright, witness:

To railroad fare, Dallas to Rusk and return.....	\$ 8 00
To one day, per diem.....	1 50
Total	\$ 9 50

Approved December 1, 1909.

San Angelo, Texas, November 26, 1909.

Penitentiary Investigating Committee, to Brown F. Lee, Dr.:

October 15, railroad fare, San Angelo to Temple.....	\$ 6 80
October 15, supper Brownwood.....	50
October 15, hack transfer, Temple.....	25
October 15, railroad fare, Temple to Waco.....	1 05
October 16, hack, Waco.....	25
October 18, hotel, Waco.....	5 00
October 18, hack, Waco.....	25
October 18, railroad fare, Waco to Fowler.....	1 30
October 18, fare, Fowler to Waco.....	1 30
October 19, railroad fare, Waco to Cameron.....	1 60
October 19, hotel, Cameron.....	1 00
October 19, hack Cameron.....	25
October 20, railroad fare, Cameron to Allen Farm.....	1 90
October 20, railroad fare, Allen Farm to Navasota.....	25
October 21, hotel, Navasota.....	1 00
October 21, railroad fare, Navasota to Calvert.....	1 75
October 21, hotel, Calvert.....	2 00
October 21, railroad fare, Calvert to Hearne.....	25
October 22, hotel, Hearne.....	25
October 22, breakfast, Hearne.....	25
October 22, railroad fare, Hearne to Nicholas.....	25
October 22, railroad fare, Nicholas to Bryan.....	55
October 24, railroad fare, College Station to Navasota.....	70
October 24, railroad fare, Navasota to Conroe.....	1 30
October 24, breakfast, Conroe.....	50
October 24, railroad fare, Conroe to Huntsville.....	1 05
October 27, hotel, Huntsville.....	6 00
October 27, railroad fare, Huntsville to Palestine.....	2 75
October 27, supper, Trinity.....	50
October 28, hotel, Palestine.....	1 00
October 28, hack, Palestine.....	25
October 28, hack, Rusk.....	25
October 28, dinner, Rusk.....	25
October 28, railroad fare, Palestine to Rusk.....	1 00
October 28, hack, Rusk.....	25
October 29, hack, Rusk.....	50
October 30, hack, Rusk.....	50
October 31, hack, Rusk.....	50
November 1, hack, Rusk.....	50
November 2, hack, Rusk.....	50
November 3, hack, Rusk.....	50
November 4, hack, Rusk.....	50
November 4, hotel, Rusk.....	14 00
November 4, hack, Rusk.....	25
November 4, railroad fare, Rusk to Jacksonville.....	45
November 4, supper, Jacksonville.....	50
November 4, railroad fare, Jacksonville to Houston.....	5 35
November 4, sleeper to Houston.....	1 00
November 5, breakfast, Houston.....	65
November 5, street car fare.....	05
November 5, supper, Houston.....	1 25
October 6, hotel, Houston.....	2 50
October 6, breakfast, Houston.....	60
October 6, railroad fare, Houston to Harlem.....	85
November 9, railroad fare, Sugarland to Houston.....	50
November 9, dinner, Houston.....	1 25
November 17, Avenue Hotel, Austin.....	5 00
November 23, Hotel Driskill.....	14 75
November 23, railroad fare, Austin to San Angelo.....	9 00
November 23, dinner, Taylor.....	50

November 23, sleeper, Lampasas to San Angelo.....	1 00
November 24, hack, San Angelo.....	25
To 33 days, at \$5.00 per day.....	165 00
Total	\$ 272 30

Approved December 1, 1909.

Wills Point, Texas, December 1, 1909.

Penitentiary Investigating Committee, in account with Southwestern Telegraph & Telephone Co., Austin:

November 19, to call to Dudley Stevenson, Hillsboro, by Stamps, for committee	\$ 85
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Approved December 4, 1909.

Huntsville, Texas, December 15, 1909.

Penitentiary Investigating Committee (Hon. C. E. Gilmore, Chairman), to Corporation Audit Co., Dallas, Texas, Dr.:

For four payments on contract for auditing the books and accounts of the State penitentiary system. Total amount of contract.....	\$5,070 00
Less 25 per cent payable on completion of work.....	1,267 50
Balance	\$3,802 50

Credits.

September 15, by cash, first payment.....	\$ 987 68
October 15, by cash, second payment.....	1,013 34
November 15, by cash, third payment.....	1,004 34—\$3,005 36
To balance due as fourth payment.....	\$ 797 14

Approved December 15, 1909.

Granbury, Texas, December 20, 1909.

The State of Texas to Nape Oxford, official stenographer for Penitentiary Investigating Committee, Dr.:

For balance on making record of testimony taken by me for committee during their investigations.....	\$ 45 00
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Approved December 22, 1909.

Huntsville, Texas, January 5, 1910.

The Penitentiary Investigating Committee (Hon. C. E. Gilmore, Chairman), in account with C. B. Hudspeth, member of subcommittee:

To 26 days' per diem from December 13, 1909, to January 8, 1910.....	\$ 130 00
Railroad fare from El Paso to Austin.....	20 70
Sleeper, El Paso to Austin.....	3 00
Board en route.....	6 00
Railroad fare, Austin to Houston.....	4 90
Sleeper, Austin to Houston.....	2 00
Hotel fare, Austin.....	3 75
Telegram to Stamps.....	1 00
Breakfast at Houston.....	35
Hack fare, Houston.....	50
Railroad fare, Houston to Brazoria.....	1 90
Fare from Brazoria to Clemens farm.....	1 00
Railroad fare, Brazoria to Houston.....	1 90
Hack fare, Houston.....	50
Supper, Houston.....	85
Bed, Houston.....	2 00
Breakfast, Houston.....	90
Railroad fare, Houston to Eagle Lake.....	1 90

Stage fare, Eagle Lake to Faber.....	1 30
Railroad fare, Faber to Eagle Lake.....	15
Dinner, Eagle Lake.....	50
Bed, Eagle Lake.....	50
To railroad fare, Eagle Lake to Sugarland.....	1 30
Breakfast at Sugarland.....	25
Hack fare, Sugarland.....	1 20
Railroad fare, Sugarland to Houston.....	70
Supper, Houston.....	80
Hotel bill, Houston, 3 days.....	10 50
Railroad fare, Houston to Huntsville.....	2 25
Hotel, Huntsville.....	1 00
Railroad fare, Huntsville to Palestine.....	2 75
Dinner, Palestine.....	1 00
Railroad fare, Palestine to Rusk.....	1 00
Hotel, Rusk.....	3 50
Hack fare, Rusk.....	1 75
Railroad fare, Rusk to Palestine.....	95
Hotel fare, Palestine.....	2 00
Railroad fare, Palestine to Huntsville.....	2 75
Hotel, Huntsville.....	7 00
Railroad fare, Huntsville to El Paso, via Austin.....	27 85
Sleeper en route.....	6 00
Hotel fare en route.....	10 50
Stationery purchased for committee.....	40
Total	\$ 271 05

Approved January 10, 1910.

Gilmer, Texas, January 5, 1910.

State of Texas to W. O. Stamps, debtor. Account Penitentiary Investigating committee. Expenses and per diem; subcommittee composed of Senator Hudspeth and myself:

November 26, railroad fare, Austin to Gilmer, \$7.90; sleeper, Austin to Waco, \$2.00; hotel, \$2.00 (not included in account rendered for last trip of whole committee).....	\$ 11 90
December 17, railroad, Gilmer to Austin.....	7 90
December 17, sleeper, \$2.00; hotel, \$2.00; hotel, \$2.00.....	6 00
December 17, railroad, Austin to Houston.....	4 95
December 17, sleeper, \$2.00; cab, 50c; hotel, 60c.....	3 10
December 19, railroad, Houston to Brazoria.....	1 90
December 19, livery, \$1.00; Brazoria to Houston.....	2 90
December 19, hotel, 90c; 75c; \$2.00.....	3 65
December 19, cab, Houston.....	25
December 19, railroad, Houston to Eagle Lake.....	1 90
December 19, hotel, 50c; livery, \$1.35; hotel, 50c.....	2 35
December 19, railroad, Mathis to Eagle Lake.....	15
December 19, Eagle Lake to Sugarland.....	1 30
December 19, hotel, 25c; team, \$1.35; telephone, 25c.....	1 85
December 22, railroad, Sugarland to Houston.....	70
December 22, hotel, 80; railroad, Houston to Gilmer, \$7.55.....	8 35
December 22, sleeper, \$2.00; hotel, \$1.00.....	3 00
December 23, per diem, December 15 to 13, inclusive, 9 days, at \$5.00.....	45 00
December 27, railroad fare, Gilmer to Rusk.....	2 45
December 27, hotel.....	50
December 30, railroad fare, Palestine to Huntsville.....	2 75
December 27, hotel.....	4 25
December 35, railroad fare, Rusk to Palestine.....	95
December 30, hotel.....	2 00
December 30, 1900, railroad fare, Palestine to Huntsville.....	2 75
December 30, hotel.....	2 00
January 4, 1910, ferry, Trinity river.....	50

REPORT OF PENITENTIARY INVESTIGATING COMMITTEE.

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January 4, 1910, hotel, Huntsville.....	2 00
January 4, 1910, railroad fare, Huntsville to Jacksonville.....	3 55
January 4, 1910, hotel, Trinity.....	50
January 4, 1910, hotel, Jacksonville.....	1 00
January 4, 1910, hotel, Tyler.....	50
January 4, 1910, livery.....	4 00
Per diem, December 27, 1909, to January 5, 1910, 10 days, at \$5.00.....	50 00

Total \$ 184 85

Approved January 10, 1910.

December 9, 1909.

Hon. C. E. Gilmore, Wills Point, Texas.

Dear Sir: I am enclosing you statement of my expense for attendance before the investigating committee, which I trust you will find in regular order.

Hack hire, Brookeland to Renlig and return.....	\$ 1 00
Railroad ticket, Brookeland to Beaumont and return.....	5 40
Railroad ticket, Beaumont to Houston and return.....	5 00
Railroad ticket, Houston to Huntsville and return.....	4 40
Four days from my office.....	4 00

Total \$ 19 80

I will thank you for a voucher to cover at your earliest convenience.

Yours very truly,

BENTON McMILLIN.

Approved January 10, 1910.

Austin, Texas, November 18, 1909.

Penitentiary Investigating Committee, in account with J. R. Bowman:

To hotel expenses at Austin, three and one-half days, \$2.50.....	\$ 8 75
Per diem three days, from November 16, 1909, to November 18, 1909, inclusive.....	15 00

Total \$ 23 75

Approved February 14, 1910.

Austin, Texas, December 2, 1909.

Penitentiary Investigating Committee, in account with Von Boeckmann-Jones Company:

Binding nine copies testimony.....	\$ 2 70
Wrapping and expressing.....	50

Total \$ 3 20

Approved January 26, 1910.

Dallas, Texas, December 20, 1909.

C. E. Gilmore, in account with Hargreaves Printing Co.:

Binding nine volumes testimony before investigating committee.....	\$ 2 70
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Approved January 6, 1910.

San Antonio, Texas, February 9, 1910.

Penitentiary Investigating Committee, in account with Nellie Lowday:

Stenographic work for subcommittee. Bill O. K'd by Hudspeth and Stamps.....	\$ 30 00
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Approved February 16, 1910.

Austin, Texas, February 1, 1910.

Penitentiary Investigating Committee, in account with Tobin's Book Store, Austin:

September 25, 1909, to 3 reams Priscilla Bond.....	\$ 3 75
November 13, 1909, to 1 box permanent record carbon.....	4 50
November 22, 1909, to 2 reams rough onion paper.....	2 20
November 22, 1909, to 1 box permanent record carbon.....	4 50
November 22, 1909, to 1 ream 5-pound Agawam Bond.....	90
November 24, 1909, to 2 reams rough onion skin paper.....	2 20
November 24, 1909, to 50 sheets permanent record carbon.....	2 50
January 31, 1910, to 1 ream rough onion skin paper.....	1 10
Total	\$ 21 65

Approved February 1, 1910.

Huntsville, Texas, February 15, 1910.

Penitentiary Investigating Committee, in account with Jno. L. Wortham, as witness:

February 12, railroad fare, Dallas to Houston.....	\$ 7 90
February 13, railroad fare, Houston to Huntsville.....	2 25
February 15, railroad fare, Huntsville to Houston.....	2 25
February 15, railroad fare, Houston to Dallas.....	7 90
Three days	4 50
Total	\$ 24 80

Approved February 15, 1910.

Huntsville, Texas, February 15, 1910.

Penitentiary Investigating Committee, in account with Louis Hermaize, as witness:

February 11, railroad, Childress to Houston.....	\$ 15 20
February 13, railroad, Houston to Huntsville.....	2 25
February 15, railroad, Huntsville to Houston.....	2 25
February 15, railroad, Houston to Childress.....	15 20
February 15, six days.....	9 00
Total	\$ 43 90

Account approved February 15, 1910.

Huntsville, Texas, February 10, 1910.

Penitentiary Investigating Committee to Corporation Audit Company, Dr.:

For final payment on contract for auditing the books and accounts of the Penitentiary System covering a period of eight years, September 1, 1901, to September 1, 1909.....\$1,267 50

Approved for payment, February 15, 1910. Chairman of the Committee.

Huntsville, Texas, February 17, 1910.

Penitentiary Investigation Committee, to Jens Moller:

February 9, 1910, railroad fare, Galveston to Huntsville.....	\$ 3 65
February 9, 1910, hotel, Huntsville, 9th to 17th, February, nine days, \$2.00	18 00
February 9, 1910, per diem, same period at \$5.00.....	45 00
February 17, railroad fare, Huntsville to Galveston.....	3 65
Total	\$ 70 30

Approved February 16, 1910.

Huntsville, Texas, February 17, 1910.

Penitentiary Investigating Committee, in account with W. J. Greer:

January 24, to railroad fare from Wills Point to Austin and sleeper..	\$ 9 00
January 24, dinner at Dallas.....	75
January 25, breakfast at Austin.....	75
January 25, dinner and supper at Austin.....	1 00
January 25, railroad fare, Austin to Dallas, and sleeper.....	8 25
January 26, railroad fare, Dallas to Wills Point.....	1 45
January 26, three days' time, January 24 to 26, inclusive.....	15 00
February 9, railroad fare, Wills Point to Huntsville.....	7 50
February 9, lunch and bed at Longview.....	75
February 10, breakfast at Palestine.....	50
February 17, hotel expenses at Huntsville.....	13 00
February 17, railroad fare from Huntsville to Wills Point and sleeper..	9 50
February 17, dinner at Palestine.....	50
February 17, nine days' time, February 9 to February 17, inclusive....	45 00
Total	\$ 112 95

Approved February 16, 1910.

Huntsville, Texas, February 17, 1910.

Penitentiary Investigating Committee, C. E. Gilmore, Chairman, in account with C. B. Hudspeth:

To railroad fare from El Paso to Houston, Texas.....	\$ 24 90
To sleeper en route.....	6 00
Board en route.....	7 50
Hack fare at Houston.....	25
Room, Houston	2 00
Board, Houston	3 50
Railroad fare, Houston to Austin.....	4 90
Board en route.....	70
Board at Austin.....	5 00
Telegram to Stamps.....	1 00
Gilmore telegram	40
Fare and sleeper, Austin to Houston.....	6 90
Breakfast, Houston	55
Hack fare, Houston.....	50
Railroad fare, Houston to Angleton.....	1 50
Dinner, Angleton	50
Hack fare, Angleton.....	25
Stage fare from Angleton to Ramsey farm.....	1 65
Railroad fare from Sugarland to Houston.....	70
Supper in Houston.....	65
Breakfast, Houston	65
Dinner, Houston	85
Breakfast, Houston	45
Room at Houston.....	4 00
Railroad fare, Houston to Navasota.....	2 10
Hotel bill and stage fare at Navasota.....	4 35
Railroad fare, Navasota to Calvert.....	1 75
Hotel, Calvert	1 00
Stage fare, Calvert coal mines.....	1 35
Railroad fare, Calvert to Waco.....	1 75
Hack fare, Waco.....	25
Supper, Waco	65
Breakfast, Waco	25
Room, Waco	75
Railroad fare, Waco to Fowler.....	1 30
Railroad fare, Fowler to Waco.....	1 30
Supper, Waco	45

100 REPORT OF PENITENTIARY INVESTIGATING COMMITTEE.

Railroad fare, Waco to San Antonio.....	5 00
Sleeper en route.....	2 00
Hack, San Antonio.....	50
Telephone, Gilmore.....	1 35
Board and room, San Antonio, three days, preparing committee report..	12 00
Railroad fare, San Antonio to El Paso.....	18 60
Sleeper.....	4 00
Board en route.....	2 50
Railroad fare, El Paso to San Antonio.....	18 60
Sleeper en route.....	4 00
Board en route.....	3 00
Board, San Antonio, one day, correcting committee report.....	3 50
Railroad fare, San Antonio to Houston.....	6 30
Sleeper.....	2 00
Breakfast, Houston.....	40
Hack fare, Houston.....	50
Telephone to Underwood, Houston.....	40
Railroad fare, Houston to Huntsville.....	2 20
Hotel, Huntsville, seven days.....	13 00
Railroad fare, Huntsville to El Paso.....	27 10
Sleeper en route.....	6 00
Board and lodging en route.....	12 50
Per diem, January 19 to February 20, 31 days.....	155 00
Money advanced stenographer in San Antonio for stationery.....	2 00
Writing tablets for use of committee.....	10
Total.....	8 395 70

Approved February 16, 1910.

Gilmer, Texas, January 22, 1910.

The State of Texas to W. O. Stamps, account Penitentiary Investigating Committee.

Expense and per diem, January 23 to February 3, 1910, inclusive:

January 22, telegram to Senator Hudspeth.....	\$ 1 45
Railroad fare, Gilmer to Houston, \$8.40; sleeper, \$2.00.....	10 40
January 24, Hotel.....	4 00
Railroad fare, Houston to Austin.....	4 95
Hotel, \$2.00; Austin, \$4.50.....	6 50
January 29, railroad fare, Austin to Houston, \$4.95; sleeper, \$2.00.....	6 95
Hotel, Houston, 70c, 80c.....	1 50
Cab, Houston.....	50
Railroad fare, Houston to Angleton.....	1 50
Hotel, Angleton, 50c; livery, \$1.65.....	2 15
Railroad fare, Sugarland to Houston.....	70
Hotel, Houston, 60c, 75c \$4.00.....	5 35
Telephone, Gilmore.....	1 55
Hotel, Houston, 75c, 65c, 65c, 60c.....	2 05
Hotel, Houston.....	4 00
Railroad fare, Houston to Navasota.....	2 10
Hotel, \$1.00; automobile, \$3.35.....	4 35
Railroad fare, Navasota to Calvert.....	1 75
Hotel, \$1.00; livery, \$1.35.....	2 35
Railroad fare, Calvert to Waco.....	1 75
Bus.....	25
Hotel, Waco, 80c, 25c, \$1.00.....	2 05
Railroad fare, Waco to Fowler.....	1 30
Phone to Fowler.....	50
Railroad fare, Fowler to Waco.....	1 30
Hotel, Waco.....	50
Bus.....	25
Railroad fare, Waco to Gilmer, \$5.00; sleeper, \$2.00.....	7 00

REPORT OF PENITENTIARY INVESTIGATING COMMITTEE. 101

Team, Gilmer	3 00
February 5, per diem, 13 days.....	65 00
Total	\$ 147 60

Approved February 16, 1910.

Huntsville, Texas, February 18, 1910.

The State of Texas to W. O. Stamps, debtor, account Penitentiary Investigating committee:

February 8, railroad fare, Stamps to Hillsboro.....	\$ 4 85
February 8, hotel, \$2.00; hotel, 50c.....	2 50
February 8, railroad fare, Hillsboro to Houston.....	6 40
February 8, hotel.....	2 00
February 8, bus, Hillsboro.....	25
February 8, telephone, Gilmore.....	90
February 8, telegram, Hudspeth.....	50
February 8, bus, Houston, 25c; 50c; hotel, 75c, 60c, \$1.50.....	3 60
February 8, railroad fare, Houston to Huntsville.....	2 20
February 8, hotel, Huntsville.....	13 00
February 17, railroad fare, Huntsville to Stamps.....	6 85
February 17, hotel.....	2 00
Per diem, February 8 to 17, inclusive, 10 days, \$5.00.....	50 00
Total	\$ 95 05

Approved February 16, 1910.

Huntsville, Texas, February 16, 1910.

Penitentiary Investigating Committee in account with D. A. Paulus:

January 24, to railroad fare from Hallettsville to Austin.....	\$ 5 90
January 26, to railroad fare from Austin to Hallettsville.....	5 90
To hotel expense at Austin one day and night.....	2 50
January 24 and 26, to hotel expense at San Antonio, coming and going.....	2 00
Per diem, 3 days, from January 24, 1910, to January 26, 1910, inclusive.....	15 00
January 26, to dinner in Yoakum.....	50
January 24 and 26, to bus transfer in San Antonio.....	50
January 26, one bus fare in Hallettsville, paid to B. F. Amsin.....	25
January 24, one telephone message to Governor Campbell.....	60
February 8, to railroad fare from Hallettsville to Huntsville.....	5 25
February 16, to railroad fare from Huntsville to Hallettsville.....	5 25
February 8 and 9, to hotel expense at Houston, supper, lodging and breakfast.....	2 25
February 9 to 16, to hotel expense at Huntsville, 8 1-2 days.....	17 00
Per diem, 10 days, from February 8, 1910, to February 17, 1910, inclusive.....	50 00
February 16 and 17, hotel bill at Houston, en route Huntsville to Hallettsville.....	1 75
February 8, bus transfer in Houston.....	25
February 17, bus transfer in Houston.....	25
February 17, bus transfer in Hallettsville.....	25
Total	\$ 115 40

Approved February 16, 1910.

Houston, Texas, February 15, 1910.

Penitentiary Investigating Committee in account with J. H. Swope:

To railroad fare from Houston to Huntsville.....	\$ 2 20
To railroad fare from Huntsville to Houston.....	2 20
To hotel expense at Huntsville.....	1 00
To hotel expense at Phelps.....	50
Per diem, one day, February 14, 1910.....	10 00

To transcript of proceedings of session February 14, 1910, 51 pages,
9 copies, 350 words to page, at 30c per 100, as per contract..... 53 25

Total \$ 69 45

Approved February 17, 1910.

Wills Point, Texas, February 18, 1910.

Penitentiary Investigating Committee in account with C. E. Gilmore:

December 1, 1909, express from Sims.....	45
December 8, 1909, express to Oxford.....	90
December 12, 1909, express from Oxford.....	90
December 12, 1909, express to Oxford.....	90
December 17, 1909, express from Oxford.....	1 00
December 17, 1909, express to Dallas.....	1 05
December 21, 1909, express from Dallas.....	30
December 31, 1909, express on six books testimony.....	30
January 10, 1910, express to Bowman.....	1 55
January 22, 1910, telegrams to Hudspeth and Stamps.....	50
January 23, 1910, telephone Stamps (two calls).....	75
January 23, 1910, telephone to Schoolar.....	2 30
January 24, 1910, telegrams calling Austin meeting.....	1 15
January 24, 1910, railroad fare Wills Point to Austin.....	3 15
January 24, 1910, telegram to San Angelo.....	7 00
January 24, 1910, supper in Dallas.....	60
January 24, 1910, sleeper, Dallas to Austin.....	75
January 25, 1910, telegram to Lee.....	2 00
January 26, 1910, hotel, Austin.....	50
January 26, 1910, railroad fare, Austin to Wills Point.....	4 00
January 26, 1910, sleeper, Austin to Dallas.....	7 00
January 26, 1910, supper, Hillsboro.....	2 00
February 1, 1910, telephone to Schoolar.....	50
February 5, telegram sent in Austin November 14.....	85
February 8, railroad fare, Wills Point to Huntsville.....	40
February 9, breakfast at Mineola.....	6 30
February 8, typewriting (minutes).....	50
February 8, postage (committee correspondence).....	75
February 9, supper at Palestine.....	1 50
February 9, telegram to Stamps.....	50
February 10, hotel at Phelps.....	40
February 13, express.....	75
February 13, telephone Andrews, two calls.....	90
February 15, express.....	50
February 17, hotel at Huntsville.....	25
February 17, stenographic and typewriting.....	14 00
February 17, express to Wills Point.....	15 00
February 17, telegrams for committee at Huntsville.....	90
February 17, railroad fare, Huntsville to Houston.....	2 85
February 17, dinner at Conroe.....	2 20
February 17, bus at Houston.....	50
February 17, hotel at Houston.....	25
February 17, railroad and sleeper, Houston to Austin.....	1 25
February 18, hotel at Austin.....	6 95
February 18, telephone for committee.....	1 75
February 18, railroad fare, Austin to Wills Point.....	1 45
February 18, sleeper, Austin to Dallas.....	7 00
January 26, three days' per diem, January 24 to January 26, inclusive.....	2 00
February 18, ten days' per diem, February 9 to February 18, inclusive.....	15 00
February 18, hotel at Dallas.....	50 00
Total.....	\$ 173 85

Approved February 18, 1910.

Penitentiary Investigating Committee, to Brown F. Lee, Dr.:

February 10, railroad fare, San Angelo to Huntsville.....	\$ 12 30
February 10, sleeper, San Angelo to Conroe.....	2 50
February 10, supper, Brownwood	50
February 10, breakfast, Conroe.....	50
February 16, hotel, Huntsville.....	11 50
February 17, hotel, Huntsville.....	1 00
February 17, railroad ticket, Huntsville to Houston.....	2 20
February 17, supper, Houston.....	1 00
February 10-18, 1910, inclusive, at \$5.00 per day.....	45 00

Total\$ 76 50

Approved March 2, 1910.

Accounts approved by chairman:

Austin, Texas, December 22, 1909.

State, Governor's Office, in account with the Southwestern Telegraph and Telephone Company:

W. O. Stamps to Herring, Huntsville.....\$ 1 20

Approved March 17, 1910.

(This account was made by W. O. Stamps, a member of the committee, and charged to the Governor's Office.)

Seguin, Texas, March 28, 1910.

F. C. Weinert, in account with the Penitentiary Investigating Committee:

January 24, 1910, to railroad fare, Seguin to Austin.....	\$ 4 00
January 25, to railroad fare, Austin to Seguin.....	4 00
January 25, to hotel expenses, Austin.....	3 00
January 25, per diem, two days, from January 24, 1910, to January 25, 1910, inclusive.....	10 00
January 25, transportation at Wharton for Senator Paulus and myself, not previously charged.....	2 50

Total\$ 23 50

Approved April 6, 1910.

RECAPITULATION OF EXPENSES.

By appropriation by act creating committee.....	\$ 5,000 00
By deficiency appropriations.....	7,370 00

Total\$12,370 00

To amount paid Corporation Audit Co. for auditing books and accounts of the entire system for period of eight years.....	\$ 5,070 00
To amount per diem and expenses of members of the committee, stenographers, witnesses, stationery, etc.....	7,259 80
To balance in State Treasury.....	40 20

Total\$12,370 00

The foregoing pages represent the minutes of the Penitentiary Investigating Committee, created by an act of the Thirty-first Legislature, and includes a copy of all accounts approved by the chairman.

C. E. GILMORE,
Chairman Committee.



A sample lot of some of the records from which the figures had to be compiled.

The Penitentiary System of the State of Texas

REPORT

ON

Audit, Examination and Methods

FEBRUARY 10, 1910

BY

CORPORATION AUDIT COMPANY

PUBLIC ACCOUNTANTS

JUANITA BUILDING

DALLAS, TEXAS

C. H. Schoolar.

E. G. Myers.

CORPORATION AUDIT COMPANY,

C. H. Schoolar, Manager.

Dallas, Texas, February 10, 1910.

To Penitentiary Investigating Committee, Huntsville, Texas.

Gentlemen: Complying with the instructions received from you, we have made an audit and examination of the books and accounts of the penitentiary system of the State of Texas for a period of nearly nine years, beginning November 1, 1900, and an investigation of the methods of accounting and business procedure of the system, and beg to submit our report thereon as follows:

INTRODUCTION.

The Thirty-first Legislature appointed a committee to investigate the Texas penitentiary system, and in accordance with the powers thus conferred upon the committee, we were selected to make the audit and examination of the accounting department of the penal system of the State of Texas.

NATURE OF AUDIT AND EXAMINATION.

The agreement entered into with us states, among other things, that we are to audit all books and accounts of the penitentiaries at Huntsville and Rusk from September 1, 1901, to August 31, 1909, ascertaining as far as possible the cost of operating each of the farms, saw mills, coal mines, railroad, iron furnace, etc., belonging to and operated by the penitentiary system, and to demonstrate the profits or losses biennially of each of the said properties; to devise a system of bookkeeping, filing and voucher application most practical in the operation of said system, so that the profits and losses of each industry can be readily ascertained, after taking stock and value, and closing the books.

OUTLINE OF THE AUDIT.

Our instructions with reference to the work at hand were that we were to begin with September 1, 1901, and to report on the operations of the penal system for each year; this, however, we found could not be done, for the reason that the books of the system were closed at the end of each two years; therefore, we were compelled to report on the operations covering a period of two years instead of one. We state this because of you having issued instructions in which you stipulated September 1, 1901, as the beginning date, and inasmuch as this would make it incumbent on us to report the operations for the system from that date up to September 1, 1902, or just one year, we beg to say that we found that the books were not closed up on September 1, 1901, and we were thus compelled to go back to the date on which the books were closed prior to that time, which we found was on November 1, 1900; therefore, you will find that the report of operations of the system begins with the period from November 1, 1900, instead of from September 1, 1901, and, as a consequence, you will note that the statements we have prepared for the first period covers only twenty-two months. The next period covers two years, the third period and fourth period covers two years each, and the fifth or last period, one year.

CERTIFICATE OF AUDIT.

We have prepared from the books and records of accounts in the office of the Financial Agent of the system statements covering each biennial period, showing in detail the results of the operations of each branch of the system, the assets of each branch of the system, and in condensed form the financial condition of the entire system at the close of each biennial period, and similar statements for the one year ending with August 31, 1909.

We have audited the books and accounts in the manner described in the reports, and hereby certify that these statements are true and correct.

We verify the cash on hand and in banks August 31, 1909, with the amount the books show should have been on hand at that time, and find it correct.

CORPORATION AUDIT COMPANY,
Public Accountants.

C. H. Schoolar.

E. G. Myers.

February 10, 1910.

STATE OF TEXAS,
COUNTY OF WALKER.

Subscribed and sworn to before me, this the 15th day of February, 1910.

C. E. GILMORE,

Chairman Penitentiary Investigating Committee.

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A-2.—Statement of losses and gains for the entire system for twenty-two months, ending August 31, 1902.

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B.—Statement of losses and gains at Huntsville for a period of two years, ending August 31, 1904.

B-1.—Statement of losses and gains at Rusk penitentiary for a period of two years, ending August 31, 1904.

B-2.—Statement of losses and gains for the entire system for a period of two years, ending August 31, 1904.

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D.—Statement of the losses and gains at Huntsville for a period of two years, ending August 31, 1908.

D-1.—Statement of the losses and gains at Rusk penitentiary for a period of two years, ending August 31, 1908.

D-2.—Statement of losses and gains for the entire system for a period of two years, ending August 31, 1908.

D-3.—Statement of the financial condition of the entire system on August 31, 1908.

E-3.—Statement of the financial condition on August 31, 1909.

F.—Summary.

G.—Statement of the surplus account from November 1, 1900, to August 31, 1909.

H.—Statement of accounts and bills receivable and accounts payable on August 31, 1909.

I.—Statement of accounts and bills receivable dropped.

J.—General conditions of the books and accounts.

K.—Rusk penitentiary.

L.—Industries at Huntsville.

M.—Industries at Rusk.

N.—Texas State Railroad.

O.—State farms.

P.—Recommendations and general comments.

Q.—Conclusion.

Exhibit A.—This is a statement of the losses and gains at Huntsville penitentiary for the period of twenty-two months, beginning November 1, 1900, and closing August 31, 1902, from which will be observed that the net expenses of maintaining Huntsville penitentiary amounts to \$76,682.79.

Exhibit A-1.—This is a statement of the losses and gains at the Rusk penitentiary for the same period as mentioned above, from which will be observed that the net expenses at the Rusk penitentiary amount to \$217,689.50.

Exhibit A-2.—This is a statement showing the losses and gains of the entire system for the period aforementioned, from which will be observed that the net revenue of the State farms, share farms and the contract forces amount to the sum of \$368,671.03, and that the net expenses at Huntsville at Rusk and the expenses of the general system amount to \$409,840.95, resulting, therefore, in the net expense to the State for the entire penitentiary system during this period of \$41,169.92.

Exhibit A-3.—This is a statement of the financial condition of the system at the close of business on August 31, 1902, which shows, first, the assets at Huntsville; second, assets at Rusk; third, assets of outside forces; fourth, current assets—amounting to \$1,886,155.57. It also shows the liabilities of the State of Texas for capital furnished, and the State of Texas for earnings, and for current accounts payable.

It will be observed that at the close of this period the system had earned the net sum of \$258,867.85 from the beginning of the operation of the system by the State. It will also be noted that the surplus account was reduced by \$41,169.92 during this period, which is the amount of the net loss as shown on Exhibit A-2.

EXHIBIT A.

TEXAS PENITENTIARY SYSTEM—STATEMENT OF LOSS AND GAIN AT HUNTSVILLE FOR TWENTY-TWO MONTHS ENDING AUGUST 31, 1902.

LOSSES.

Prison account	\$ 23,616 41	
Supplies account	76,300 70	
Hospital account	894 86	
Assistant Superintendent's office	1,156 21	
Power account	18,682 19	
Tobacco farm	9,655 59	
Sawmill	5,364 76	
Railroad account "torn up"	11,585 65	
Expense	453 24	
Repairs and maintenance	15,307 77	
Wood camp	3,578 74	
Cigar account	1,209 25	
Pay rolls	56,356 73	
		\$ 224,162 10

GAINS.

Huntsville store	\$ 4,835 94	
Interest and discount	4,089 02	
Cotton factory	230 07	
Tailor shop	263 29	
Wagon factory	5,424 99	
Machine shop	21,371 30	
Furniture factory	9,399 88	
Shoe shop	184 02	
		\$ 45,798 51
Total loss	\$ 178,363 59	
Less credit for convict labor	101,680 80	
Net loss at Huntsville for twenty-two months ending August 31, 1902	\$ 76,682 79	

EXHIBIT A-1.

TEXAS PENITENTIARY SYSTEM—STATEMENT OF LOSS AND GAIN AT
RUSK PENITENTIARY FOR TWENTY-TWO MONTHS ENDING
AUGUST 31, 1902.

LOSSES.

Prison account	\$	14,164	95
Supplies account		59,106	97
Expense account		983	27
Hospital account		3,019	11
Discharge account		4,812	72
Forage account		8,390	93
Stationery Assistant Superintendent's office.....		766	08
Recapture account		389	89
Waterworks		4,242	94
Electric light		4,800	86
Ice factory		1,956	00
Power account		721	21
Stationery, Financial Agent's office.....		1,027	49
Tailor shop		13,238	70
Blacksmith shop		527	57
Wagon shop		748	09
Broom factory		124	53
Furniture factory		32,468	61
Evaporator account		30	84
Machine shop		4,158	26
Tobacco factory		757	48
Woodlawn farm		64,041	92
Interest and discount.....		187	87
Bills receivable suspended.....		22,113	62
Accounts receivable suspended		23,337	70
Pipe foundry		19,367	82
Blast furnace		13,892	49
Bi-product retort		805	55
Salary account		70,601	27
	\$	370,784	74
Less manufactured articles on hand.....		30,509	87
	\$	340,274	87

GAINS.

Store	\$	1,644	92
Sawmill		4,356	59
Coal kilns		7,476	93
Rent		680	31
Wood account		566	25
Sale of live stock.....		4,573	72
Sale of timber.....		4,019	25
	\$	23,317	97
	\$	316,953	90
Less credit for convict labor.....		99,267	40
Net loss for twenty-two months ending August 31, 1902	\$	217,689	50

EXHIBIT A-2.

TEXAS PENITENTIARY SYSTEM—CONDENSED STATEMENT OF LOSS AND GAIN FOR ENTIRE PENITENTIARY SYSTEM FOR TWENTY-TWO MONTHS ENDING AUGUST 31, 1902.

GAINS OUTSIDE FORCES.

State farms, "net revenue".....	\$ 45,343 10
Share farms, "net revenue".....	95,637 41
Contract forces, revenue.....	227,600 52
Total gains outside forces.....	\$ 368,671 03

LOSSES.

Loss at Huntsville, "exhibit attached".....	\$ 76,682 79
Loss at Rusk, "exhibit attached".....	217,689 50
General System Expense:	
General salaries.....	\$ 31,169 27
Superintendent, office expense.....	4,274 05
Superintendent, traveling expense....	500 75
Financial Agent's office expense....	2,958 70
General traveling expense.....	3,160 85
Conveying new convicts.....	31,664 85
Convict discharge expense.....	30,309 70
Convict recapture expense.....	3,806 80
Convict transportation expense.....	7,623 69
	<u>\$ 115,468 66</u>
Total losses.....	\$ 409,840 95
Net loss for entire system for twenty-two months ending August 31, 1902.....	\$ 41,169 92

EXHIBIT A-3.

TEXAS PENITENTIARY SYSTEM—STATEMENT OF FINANCIAL CONDITION AUGUST 31, 1902.

ASSETS.

Buildings at Huntsville.....	\$ 427,600 00
Lands at Huntsville.....	21,500 00
Office furniture and fixtures at Huntsville.....	4,230 00
Library at Huntsville.....	1,392 27
Power plant at Huntsville.....	24,168 00
Live stock at Huntsville.....	1,718 00
Inventories:	
Inside industries at Huntsville.....	257,482 08
Store at Huntsville.....	10,436 34
Hospital at Huntsville.....	3,174 29
Tobacco farm at Huntsville.....	2,915 25
Discharged clothing at Huntsville.....	3,567 50
Prison supplies and clothing at Huntsville.....	10,966 46
Assets at Huntsville.....	\$ 769,150 19

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Clemens State Farm.....	\$ 118,708 55	
Harlem State Farm.....	46,697 63	
Wynne State Farm.....	4,389 05	
Inventories at share farms.....	6,588 72	
Inventories at contract forees.....	25,079 05	
<hr/>		
Assets outside		\$ 201,463 00
Net assets at Rusk, exhibit attached.....		\$ 814,914 82
Cash on hand and with banks.....	\$ 10,034 76	
Cash on hand with State Treasurer.....	20,000 00	
<hr/>		
Total cash on hand.....		\$ 30,034 76
Bills and accounts receivable.....		70,592 80
<hr/>		
Total assets		\$1,886,155 57

LIABILITIES.

State of Texas—Capital account:		
Land, buildings, etc., at Huntsville.....	\$ 453,330 00	
Land, buildings, etc., at Rusk.....	356,825 00	
Cash furnished to date.....	805,642 89	
<hr/>		
		\$1,615,797 89
State of Texas—Surplus account:		
Net profits to November 1, 1900.....	\$ 300,037 77	
Less loss, November 1, 1900, to September 1, 1902....	41,169 92	
<hr/>		
		\$ 258,867 85
Suspense account credit.....	\$ 5,000 00	
Accounts payable	6,489 83	
<hr/>		
		\$ 11,489 83
<hr/>		
Total liabilities		\$1,886,155 57

ASSETS AT RUSK AUGUST 31, 1902.

Prison buildings and furniture and fixtures.....	\$ 316,737 11
Lands and rights of way.....	21,930 31
Machinery and tools.....	99,779 61
Blast furnace and appurtenances.....	67,845 00
Pipe foundry and appurtenances.....	88,037 23
Live stock	10,240 00
Bi-product retort.....	2,421 97
Inventories inside industries.....	60,457 12
Inventories store	9,997 31
Inventories discharge clothing.....	103 25
Inventories prison supplies, etc.....	6,992 25
Inventories brick yard.....	810 00
Inventories pipe foundry.....	4,121 60
Inventories blast furnace.....	20,220 50
Railroad	94,839 68
Cash on hand and in bank.....	1,630 07
Accounts receivable, "net".....	8,751 81
<hr/>	
Total assets at Rusk.....	\$ 814,914 82

Exhibit B.—This is a statement of the losses and gains at Huntsville penitentiary for a period of two years ending August 31, 1904, from which it will be noted that the net expense for the two years was \$61,559.55.

Exhibit B-1.—This is a statement of the losses and gains at the Rusk penitentiary for a period of two years, from which it will be observed that the net expenses were \$201,758.72.

Exhibit B-2.—This is a statement of the losses and gains of the entire system for a period of two years, as above mentioned, and it will be noted that the net revenue from the State farms, the share farms, the contract forces, etc., amounted to \$334,232.66; that the net expenses at Huntsville and Rusk and the expenses of the general system amount to \$401,627.75, resulting in a net loss for the entire system during the two years of \$67,395.09.

We wish to call attention to the fact that this is the only period covered by the audit in which the State farms show a loss, the loss amounting to \$23,292.30.

Exhibit B-3.—This is a statement of the financial condition of the system at the close of business August 31, 1904, showing the total assets of the system to be \$2,254,616.60, and the liabilities outside of the amounts due the State of Texas as capital and surplus, amounting to \$80,895.02, resulting, therefore, in a credit to the State of Texas for earnings from the beginning of the operations of the system to September 1, 1904, of \$191,472.76, which is a decrease of \$67,395.09, the amount of the net loss for the two years.

EXHIBIT B.

TEXAS PENITENTIARY SYSTEM—STATEMENT OF LOSS AND GAIN AT HUNTSVILLE PENITENTIARY FOR TWO YEARS ENDING AUGUST 31, 1904.

LOSSES.

Prison account	\$ 24,701 82	
Supplies account	65,714 19	
Hospital account	898 53	
Assistant Superintendent's office.....	863 69	
Power account	20,009 97	
Tobacco farm	57 76	
Expense account	474 34	
Repairs and maintenance.....	19,701 93	
Teachers	480 00	
Shoe shop	2,120 76	
Pay rolls	63,664 17	
		\$ 198,687 16

GAINS.

Store account	\$ 2,653 97	
Interest and discount.....	243 49	
Cotton factory	9,249 69	
Tailor shop	6,265 36	
Wagon factory	3,726 86	
Machine shop	10,207 54	
Furniture factory	7,610 99	
Wood camp	428 99	
Cigar account	645 82	
		\$ 41,032 71

Total loss	\$ 157,654 45
Less credit for convict labor.....	96,094 90
Net loss Huntsville two years ending August 31, 1904	\$ 61,559 55

EXHIBIT B-1.

TEXAS PENITENTIARY SYSTEM—STATEMENT OF LOSS AND GAIN AT
RUSK PENITENTIARY FOR TWO YEARS ENDING AUGUST 31, 1904.

LOSSES.

Prison account	\$ 37,701 65
Supplies account	78,377 80
Expense account	2,794 46
Hospital account	2,249 94
Discharge account	1,188 31
Forage account	12,019 01
Stationery, Assistant Superintendent.....	720 86
Recapture account	68 10
Stables	897 75
Waterworks	2,846 81
Electric lights	5,921 46
Ice factory	3,327 27
Power account	2,269 51
Stationery, Financial Agent's office.....	1,957 79
Tailor shop	9,015 01
Blacksmith shop	463 38
Wagon shop	423 88
Broom factory	148 74
Furniture factory	12,079 33
Evaporator	413 58
Interest and discount.....	501 37
Pipe foundry	10,367 84
Blast furnace	53,354 61
Bi-product retort	2,421 97
Sawmill account	8,958 40
Land expense	258 55
Leham wood camp.....	879 77
Arms and ammunition.....	379 02
Teachers	480 00
Bad accounts	431 69
Prison library	279 23
Camp Searcy Baker.....	2,903 55
Manufactured articles	30,509 87
Salary account	91,723 02
	<hr/>
	\$ 378,333 53

GAINS.

Store	\$ 2,497 19
Wood account	9,321 23
Harness shop	482 83
Coal kilns	2,781 91
Machine shop	10,000 39
Garden account	3,213 27
Rent	51 54
	<hr/>
	\$ 28,348 36
	<hr/>
	\$ 349,985 17
Less credit for convict labor.....	148,226 45
	<hr/>
Net loss for two years ending August 31, 1904	\$ 201,758 72

EXHIBIT B-2.

TEXAS PENITENTIARY SYSTEM—CONDENSED STATEMENT OF LOSS AND GAIN FOR ENTIRE PENITENTIARY SYSTEM FOR TWO YEARS ENDING AUGUST 31, 1904.

GAINS OUTSIDE FORCES.

Share farms, "net revenue".....	\$ 58,998 42
Contract forces, "net revenue".....	298,526 54
	<hr/>
	\$ 357,524 96
Less loss State farms.....	23,292 30
	<hr/>
Total gains outside forces.....	\$ 334,232 66

LOSSES.

Loss at Huntsville, "exhibit attached".....	\$ 61,559 55
Loss at Rusk, "exhibit attached".....	201,758 72
General System Expense:	
General salaries.....	\$ 41,564 35
Superintendent, office expense.....	2,087 88
Superintendent, traveling expense....	790 25
Financial Agent's office expense.....	6,348 78
General traveling expense.....	9,635 01
Conveying new convicts.....	33,110 53
Convict discharge expense.....	30,801 63
Convict recapture expense.....	2,783 08
Convict transportation expense.....	11,187 97
	<hr/>
	\$ 138,309 48
Total losses.....	<hr/>
	\$ 401,627 75
Net loss entire system for two years ending August 31, 1904	<hr/>
	\$ 67,395 09

EXHIBIT B-3.

TEXAS PENITENTIARY SYSTEM—STATEMENT OF FINANCIAL CONDITION AUGUST 31, 1904.

ASSETS.

Buildings at Huntsville.....	\$ 427,600 00
Lands at Huntsville.....	21,500 00
Office furniture and fixtures at Huntsville.....	4,230 00
Library furniture and fixtures at Huntsville.....	1,890 27
Power plants at Huntsville.....	24,168 00
Live stock at Huntsville.....	2,040 00
Inventories:	
Inside industries at Huntsville.....	256,694 79
Store at Huntsville.....	13,234 29
Hospital at Huntsville.....	3,183 60
Discharge clothing at Huntsville.....	6,638 05
Prison supplies, etc., at Huntsville.....	11,728 61
	<hr/>
Total assets at Huntsville.....	\$ 772,907 61
Clemens State Farm.....	\$ 276,637 56
Harlem State Farm.....	114,845 54
Wynne State Farm.....	11,054 86
Inventories at share farms.....	4,656 32
Inventories at contract forces.....	23,162 20
	<hr/>
Total assets outside.....	\$ 430,356 48

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Net assets at Rusk, "exhibit attached".....		939,892 98
Cash on hand and with banks.....	\$ 13,907 21	
Bills and accounts receivable.....	97,552 32	
	<hr/>	\$ 111,459 53
Total assets		<hr/>
		\$2,254,616 60

LIABILITIES.

State of Texas—Capital Account:		
Lands, buildings, etc., at Huntsville	\$ 453,330 00	
Land, buildings, etc., at Rusk.....	356,825 00	
Cash furnished to date.....	1,172,093 82	
	<hr/>	\$1,982,248 82
State of Texas—Surplus Account:		
Net profits to September 1, 1902.....	\$ 258,867 85	
Less loss two years ending August 31, 1904.....	67,395 09	
	<hr/>	\$ 191,472 76
Suspense credit	\$ 5,000 00	
Accounts payable	75,895 02	
	<hr/>	\$ 80,895 02
Total liabilities		<hr/>
		\$2,254,616 60

ASSETS AT RUSK AUGUST 31, 1904.

Prison buildings and furniture and fixtures.....	\$ 312,867 81
Lands and rights of way.....	38,857 59
Machinery and tools.....	99,779 61
Blast furnace and appurtenances.....	120,355 00
Pipe foundry and appurtenances.....	88,037 23
Live stock	16,398 00
Inventories inside industries	38,024 55
Inventories store	8,394 46
Inventories hospital	648 06
Inventories prison supplies, etc.....	7,581 02
Inventories pipe foundry	5,262 75
Inventories blast furnace	45,037 35
Inventories Camp Searcy Baker, Imp. account.....	8,880 00
Railroad	102,830 68
Railroad to ore beds, etc.....	15,907 81
Cash on hand in bank.....	2,650 88
Accounts receivable, "net".....	28,371 18
	<hr/>
Total assets at Rusk	\$ 939,892 98

Exhibit C.—This is a statement in detail of the losses and gains at Huntsville penitentiary for the two years ending August 31, 1906, from which it will be observed a net expense for the period of \$77,749.15.

Exhibit C-1.—This is a statement of the losses and gains of Rusk penitentiary for the two years ending August 31, 1906, from which it will be observed a net expense for the period of \$216,815.06.

Exhibit C-2.—This is a statement of the losses and gains for the entire system for two years ending August 31, 1906, from which it will be noted that the net revenue from the State farms, share farms and contract forces was \$619,780.43, while the net expenses at Huntsville, at Rusk and for the general system aggregated \$482,031.50, resulting, therefore, in a net gain for the entire system during the two years of \$137,748.93.

Exhibit C-3.—This is a statement of the financial condition of the entire system at the close of business on August 31, 1906, from which it will be noted that the total assets of the system at this date amount to \$2,526,236.26, while the current liabilities amount to \$136,309.66, resulting in an increase of surplus account for the period of \$137,748.93, which is the amount of the net gains as shown on Exhibit C-2.

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Sample page of the Rusk ledgers.

EXHIBIT C.

TEXAS PENITENTIARY SYSTEM—STATEMENT OF LOSS AND GAIN AT HUNTSVILLE PENITENTIARY FOR TWO YEARS ENDING AUGUST 31, 1906.

LOSSES.

Prison account	\$ 35,951 12	
Supplies account	51,938 22	
Assistant Superintendent's office	582 15	
Power account	22,464 89	
Tobacco farm	1,880 10	
Expense account	2,033 47	
Repairs and maintenance	39,662 00	
Teachers	960 00	
Shoe shop	185 17	
Furniture factory	10,277 99	
Interest and discount	1,197 82	
Freight account	30,422 52	
Pay rolls	64,545 51	
		\$ 262,100 96

GAINS.

Store	\$ 5,103 47	
Cotton factory	11,590 92	
Tailor shop	5,974 09	
Wagon factory	8,404 96	
Machine shop	48,258 37	
Wood camp	137 50	
		\$ 79,469 31
		\$ 182,631 65
Less credit for convict labor		\$ 104,882 50
		\$ 77,749 15

EXHIBIT C-1.

TEXAS PENITENTIARY SYSTEM—STATEMENT OF LOSS AND GAIN AT RUSK PENITENTIARY FOR TWO YEARS ENDING AUGUST 31, 1906.

LOSSES.

Prison account	\$ 50,914 50
Supplies account	82,177 14
Expense account	3,982 00
Hospital account	2,138 97
Forage account	3,702 72
Stationery, Assistant Superintendent's office	436 60
Water works	1,010 74
Electric lights	7,099 23
Ice factory	2,096 33
Power account	20,037 83
Stationery, Financial Agent's office	881 44
Broom factory	69 32
Furniture factory	12,189 90
Interest and discount	306 92
Pipe foundry	17,042 18
Blast furnace	60,749 98
Saw mill account	98 18

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Teachers	960 00	
Bad accounts	1,090 21	
Prison library	287 77	
Garden account	1,632 93	
Store	1,278 58	
Coal kilns	65 45	
Stables	7,278 80	
Railroad maintenance and operation, ore bed.....	19,615 62	
Accounts received "dropped"	2,718 93	
Salary	117,789 12	
		\$ 417,651 39
GAINS.		
Machine shop	\$ 7,927 35	
Blacksmith shop	242 16	
Harness shop	397 70	
Timber sales	7,517 50	
Live stock sales	6,161 02	
Rents	579 30	
Wood account	805 90	
Camp Searcy Baker wood account.....	3,585 85	
		\$ 27,216 78
Less credit for convict labor.....		\$ 390,434 61
		173,619 55
Net loss for two years ending Augst 31, 1906		\$ 216,815 06

EXHIBIT C-2.

TEXAS PENITENTIARY SYSTEM—CONDENSED STATEMENT OF LOSS AND GAIN FOR ENTIRE PENITENTIARY SYSTEM FOR TWO YEARS ENDING AUGUST 31, 1906.

GAINS OUTSIDE FORCES.		
State farms "net revenue"	\$ 258,867 38	
Share farms "net revenue"	20,374 74	
Contract forces "net revenue"	340,538 31	
Total gains outside forces	\$ 619,780 43	
LOSSES.		
Loss at Huntsville, "exhibit attached".....	\$ 77,749 15	
Loss at Rusk, "exhibit attached".....	216,815 06	
General System Expense:		
General salaries	\$ 46,316 61	
Superintendent's office expense	1,327 61	
Superintendent's traveling expense..	1,023 05	
Financial Agent's office expense.....	4,646 35	
General traveling expense	10,488 67	
Conveying new convicts	33,564 90	
Convict discharge expense.....	35,388 51	
Convict recapture expense	3,131 55	
Convict transportation expense	7,008 69	
Bad accounts	373 25	
Accounts and bills received, dropped	44,198 10	
Total losses	\$ 187,467 29	
		\$ 482,031 50
Net gain for entire system two years ending August 31, 1906		\$ 137,748 93

EXHIBIT C-3.

TEXAS PENITENTIARY SYSTEM—STATEMENT OF FINANCIAL CONDITION AUGUST 31, 1906.

ASSETS.

Buildings at Huntsville.....	\$ 427,600 00	
Lands at Huntsville.....	21,500 00	
Office fixtures and furniture at Huntsville.....	4,230 00	
Library fixtures and furniture at Huntsville.....	2,152 67	
Power plants at Huntsville.....	24,168 00	
Live stock at Huntsville.....	2,563 00	
Inventories—		
Inside industries at Huntsville.....	256,429 15	
Store at Huntsville.....	10,783 78	
Hospital at Huntsville.....	3,507 50	
Discharge clothing at Huntsville.....	5,370 00	
Prison supplies, etc., at Huntsville.....	12,431 54	
Total assets at Huntsville.....		\$ 770,735 64
Clemens State farm.....	\$ 460,421 16	
Harlem State farm.....	128,386 24	
Wynne State farm.....	15,764 69	
Inventories at share farms.....	5,269 12	
Inventories at contract forces.....	23,694 50	
Total assets outside.....		\$ 633,535 71
Net assets at Rusk, exhibit attached.....		1,040,738 13
Cash on hand and with banks.....		23,561 20
Bills and accounts received.....		57,665 58
Total assets.....		\$2,526,236 26

LIABILITIES.

State of Texas capital account:		
Lands, buildings, etc., at Huntsville.....	\$ 453,330 00	
Lands, buildings, etc., at Rusk.....	356,825 00	
Cash furnished to date.....	1,250,549 91	
		\$2,060,704 91
State of Texas surplus account:		
Net profits to September 1, 1904.....	\$ 191,472 76	
Add profits two years ending August 31, 1906.....	137,748 93	
		\$ 329,221 69
Accounts payable.....	\$ 66,391 83	
Gibbs National Bank "overdraft".....	19,917 78	
Hutchings Sealy & Co., "for borrowed money".....	50,000 00	
		\$ 136,309 66
Total liabilities.....		\$2,526,236 26

ASSETS AT RUSK AUGUST 31, 1906.

Prison buildings and furniture and fixtures.....	\$ 316,507 21
Lands and rights of way.....	38,857 59
Machinery and tools.....	99,779 61
Blast furnace and appurtenances.....	120,355 00
Pipe foundry and appurtenances.....	88,037 23
Live stock.....	10,792 00
Inventories inside industries.....	39,033 69
Inventories store.....	9,363 72

Inventories hospital	600 68
Inventories prison supplies, etc.....	17,456 65
Inventories pipe foundry	38,270 00
Inventories blast furnace	110,832 00
Inventories power plant	5,895 00
Railroad	102,839 68
Railroad to ore beds, etc.....	15,907 81
Cash on hand and in bank.....	9,173 98
Accounts and bills received "net".....	17,036 28
Net assets at Rusk.....	\$1,040,738 13

Exhibit D.—This is a statement showing the losses and gains of the Huntsville penitentiary for the two years ending August 31, 1908, from which it will be observed that the net expense for the two years was \$61,641.06.

Exhibit D-1.—This is a statement showing the losses and gains at the Rusk penitentiary for a period of two years ending August 31, 1908, from which it will be noted an expense net of \$192,278.48.

Exhibit D-2.—This statement shows the losses and gains of the entire system for a period of two years ending August 31, 1908, from which it will be observed the net gain of the State farms, share farms and contract forces was \$576,068.35. The net expense at the Huntsville penitentiary, at the Rusk penitentiary, and the general system aggregated \$383,830.10, resulting in a net gain for the entire system for two years of \$192,238.25.

Exhibit D-3.—This is a statement of the financial condition as shown by the books of the Financial Agent at the close of the business on August 31, 1908, from which it will be observed the total assets aggregate \$2,910,937.05, with current liabilities of \$306,262.20, resulting in an increase of the surplus account of \$192,238.25, which is the amount of the net gains for the period as shown under exhibit D-2.

It might be well to say that in connection with the unusually heavy loss shown by the furniture factory at Huntsville during this period that it is attributable to one of two things: The first is that according to the books and inventories the inventory of the furniture factory, as reported September 1, 1906, was either excessive, or that during the five months—September 1, 1906, to February 1, 1907—the stock of furniture was disposed of at unusually low prices, and certainly far below the cost of manufacturing, because there was a difference between the inventory as reported September 1, 1906, and the inventory as reported February 1, 1907, of about \$60,000, while there was only about \$31,000 received from the furniture sales during the five months in question.

EXHIBIT D.

TEXAS PENITENTIARY SYSTEM—STATEMENT OF LOSS AND GAIN AT HUNTSVILLE PENITENTIARY FOR TWO YEARS ENDING AUGUST 31, 1908.

LOSSES.

Prison account	\$ 32,253 53
Supplies account	42,744 11
Assistant Superintendent, office account.....	838 65
Power account	31,910 50
Expense account	714 10
Prison library	1,106 55
Repairs and maintenance.....	29,218 77
Teachers	719 99
Furniture factory	51,661 63
Wagon factory	541 51
Pay rolls	65,439 15

\$ 257,148 49

Santoville		Baltimore		Baltimore	
July 3	Shanghai	100	100	100	100
July 4	Shanghai	100	100	100	100
7	Shanghai	100	100	100	100
10	Shanghai	100	100	100	100
13	Shanghai	100	100	100	100
16	Shanghai	100	100	100	100
19	Shanghai	100	100	100	100
22	Shanghai	100	100	100	100
25	Shanghai	100	100	100	100
28	Shanghai	100	100	100	100
31	Shanghai	100	100	100	100
Aug 1	Shanghai	100	100	100	100
4	Shanghai	100	100	100	100
7	Shanghai	100	100	100	100
10	Shanghai	100	100	100	100
13	Shanghai	100	100	100	100
16	Shanghai	100	100	100	100
19	Shanghai	100	100	100	100
22	Shanghai	100	100	100	100
25	Shanghai	100	100	100	100
28	Shanghai	100	100	100	100
31	Shanghai	100	100	100	100
Sept 1	Shanghai	100	100	100	100
4	Shanghai	100	100	100	100
7	Shanghai	100	100	100	100
10	Shanghai	100	100	100	100
13	Shanghai	100	100	100	100
16	Shanghai	100	100	100	100
19	Shanghai	100	100	100	100
22	Shanghai	100	100	100	100
25	Shanghai	100	100	100	100
28	Shanghai	100	100	100	100
31	Shanghai	100	100	100	100
Oct 1	Shanghai	100	100	100	100
4	Shanghai	100	100	100	100
7	Shanghai	100	100	100	100
10	Shanghai	100	100	100	100
13	Shanghai	100	100	100	100
16	Shanghai	100	100	100	100
19	Shanghai	100	100	100	100
22	Shanghai	100	100	100	100
25	Shanghai	100	100	100	100
28	Shanghai	100	100	100	100
31	Shanghai	100	100	100	100
Nov 1	Shanghai	100	100	100	100
4	Shanghai	100	100	100	100
7	Shanghai	100	100	100	100
10	Shanghai	100	100	100	100
13	Shanghai	100	100	100	100
16	Shanghai	100	100	100	100
19	Shanghai	100	100	100	100
22	Shanghai	100	100	100	100
25	Shanghai	100	100	100	100
28	Shanghai	100	100	100	100
31	Shanghai	100	100	100	100
Dec 1	Shanghai	100	100	100	100
4	Shanghai	100	100	100	100
7	Shanghai	100	100	100	100
10	Shanghai	100	100	100	100
13	Shanghai	100	100	100	100
16	Shanghai	100	100	100	100
19	Shanghai	100	100	100	100
22	Shanghai	100	100	100	100
25	Shanghai	100	100	100	100
28	Shanghai	100	100	100	100
31	Shanghai	100	100	100	100

Sample page of the Rusk ledgers.

GAINS.

Store	\$	3,913 45	
Interest and discount		1,583 24	
Cotton factory		15,124 96	
Tailor shop		20,543 77	
Shoe shop		6,444 94	
Machine shop		47,956 32	
		<hr/>	
	\$	95,566 68	
	\$	161,581 81	
		<hr/>	
Less credit for convict labor			99,940 73
			<hr/>
Loss Huntsville two years ending August 31, 1908. "net"	\$		61,641 06

EXHIBIT D-1.

TEXAS PENITENTIARY SYSTEM—STATEMENT OF LOSS AND GAIN AT
RUSK PENITENTIARY FOR TWO YEARS ENDING AUGUST 31, 1908.

LOSSES.

Prison account	\$	53,744 75	
Supplies account		73,604 70	
Expense account		3,405 40	
Hospital account		1,987 12	
Forage account		9,657 18	
Stationery of Assistant Superintendent		504 11	
Waterworks		2,721 14	
Electric lights		7,975 60	
Ice factory		2,636 20	
Power account		6,496 44	
Stationery, Financial Agent's office		960 60	
Blacksmith shop		1,749 77	
Interest and discount		1,726 12	
Pipe foundry		17,422 77	
Blast furnace		41,192 67	
Arms and ammunition		1,012 73	
Teachers		720 00	
Prison library		360 34	
Garden account		3,982 44	
Machine shop		13,304 26	
Stables		5,330 75	
Railroad maintenance and operation to ore bed		11,062 44	
Salary account		97,575 23	
		<hr/>	
	\$	359,132 76	

GAINS.

Store	\$	1,857 39	
Harness shop		508 46	
Timber sales		175 00	
Live stock sales		128 45	
Rents		1,037 75	
Broom factory		59 22	
Furniture factory		1,639 48	
Sawmill at camp—Meshaw		5,172 75	
		<hr/>	
	\$	10,578 50	
	\$	348,554 26	
Less credit for convict labor			156,275 78
			<hr/>
Net loss for two years ending August 31, 1908	\$		192,278 48

EXHIBIT D-2.

TEXAS PENITENTIARY SYSTEM—CONDENSED STATEMENT LOSS AND
GAIN OF ENTIRE SYSTEM FOR TWO YEARS
ENDING AUGUST 31, 1908.

GAINS OUTSIDE FORCES.

State farms, "net revenue".....	\$ 129,706 89
Share farms, "net revenue".....	35,387 54
Contract forces, "net revenue".....	410,973 92
Total gains outside forces.....	\$ 576,068 35

LOSSES.

Loss Huntsville, "exhibit attached".....	\$ 61,641 06
Loss Rusk, "exhibit attached".....	192,278 48

General System Expense:

General salaries	\$ 36,015 35
Superintendent, office expense	1,607 34
Superintendent, traveling expense....	308 10
Financial Agent's office expense....	5,819 96
General traveling expense.....	10,498 49
Conveying new convicts.....	31,656 65
Convict discharge expense.....	33,837 65
Convict recapture expense.....	3,073 34
Convict transportation expense.....	7,093 68
	<hr/>
	\$ 129,910 56

Total losses	\$ 383,830 10
--------------------	---------------

Net gain entire system for two years ending August 31, 1908	\$ 192,238 25
--	---------------

EXHIBIT D-3.

TEXAS PENITENTIARY SYSTEM—STATEMENT OF FINANCIAL CONDI-
TION AUGUST 31, 1908.

ASSETS.

Buildings at Huntsville.....	\$ 427,600 00
Lands at Huntsville.....	21,500 00
Office furniture and fixtures at Huntsville.....	4,230 00
Library furniture and fixtures at Huntsville.....	1,498 45
Power plants at Huntsville.....	24,168 00
Live stock at Huntsville.....	4,999 00

Inventories:

Inside industries at Huntsville	288,602 34
Store at Huntsville.....	9,369 89
Hospital at Huntsville.....	4,465 50
Discharge clothing at Huntsville.....	5,438 35
Prison supplies, etc., at Huntsville.....	11,346 07

Total assets at Huntsville.....	\$ 803,217 60
Clemens State Farm.....	\$ 509,200 27
Harlem State Farm.....	198,850 31
Wynne State Farm.....	18,731 30
Imperial State Farm.....	179,498 77

Ramsey State Farm.....	134,257 55	
Inventories at share farms.....	4,391 78	
Inventories at contract forces.....	20,140 60	
	<hr/>	
Total assets outside.....		\$1,065,070 58
Net assets at Rusk, "exhibit attached".....		978,940 97
Cash on hand and in banks.....		17,868 39
Bills and accounts receivable.....		45,339 51
		<hr/>
Total assets.....		\$2,910,937 05

LIABILITIES.

State of Texas—Capital Account:		
Lands and buildings at Huntsville.....	\$ 453,330 00	
Lands and buildings at Rusk.....	356,825 00	
Cash furnished to date.....	1,273,959 91	
	<hr/>	\$2,083,214 91
State of Texas—Surplus Account:		
Net profits to September 1, 1906.....	\$ 329,221 69	
Add profits two years ending August 31, 1908.....	192,238 25	
	<hr/>	\$ 521,459 94
Accounts payable.....	\$ 976 95	
Bills payable, Imperial Farm.....	160,000 00	
Bills payable, Ramsey Farm.....	107,005 25	
Bills payable, Harlem Farm.....	38,280 00	
	<hr/>	\$ 306,262 20
Total liabilities.....		\$2,910,937 05

ASSETS AT RUSK AUGUST 31, 1908.

Prison buildings and furniture and fixtures.....	\$ 316,507 21
Lands and rights of way.....	38,857 59
Machinery and tools.....	96,064 45
Blast furnace and appurtenances.....	130,706 21
Pipe foundry and appurtenances.....	88,037 23
Live stock.....	18,532 00
Inventories inside industries.....	8,973 38
Inventories store.....	9,443 96
Inventories hospital.....	610 75
Inventories prison supplies, etc.....	6,745 17
Inventories pipe foundry.....	31,969 41
Inventories blast furnace.....	33,935 00
Inventories power plant.....	33,802 55
Railroad to ore beds, etc.....	15,907 81
Railroad.....	\$ 102,839 68
Texas railroad construction.....	132,120 12
Texas railroad live stock.....	16,026 50
Texas railroad, Camp Wright.....	2,083 83
	<hr/>
	\$ 253,070 13
Less cash from bonds and interest.....	125,575 28
	<hr/>
Sawmill at Camp Meshaw.....	\$ 127,312 85
Cash on hand and in bank.....	23,266 89
Accounts receivable, "net".....	1,067 68
	<hr/>
	\$ 995,449 81
Less bills payable.....	16,508 84
	<hr/>
Net assets at Rusk.....	\$ 978,940 97

Exhibit E.—This is a statement of the losses and gains of the Huntsville penitentiary for a period of one year ending August 31, 1909, from which will be noted a net expense for the year at Huntsville of \$74,536.16.

We direct your attention to the heavy loss shown by the machine shop during this year, and we think it well to say that this loss was brought about principally by an excessive inventory reported September 1, 1908, the beginning of the year. The heavy loss on this shop can scarcely be accounted for in any other way, and we think it quite probable that instead of there being a profit of about \$48,000 during the previous two years, that some of the loss of the present year properly belongs in the previous period, or possibly all of this loss does.

Exhibit E-1.—This is statement of the losses and gains for the one year ending August 31, 1909, from which it will be noted a net increase for the year of \$35,192.96.

We wish to call attention to the fact that during this year the blast furnace at Rusk was not in operation, and this fact, we are confident, is responsible for the decrease in the expenses for that year.

Exhibit E-2.—A statement of the losses and gains for the entire system for one year ending August 31, 1909, from which it will be observed the net gains from the State farms and share farms and contract forces, as well as the State Railroad operations aggregate \$452,951.63, to which amount is added the credit for the labor of the convicts at 50c per day, charged to the constructions of the State Railroad in the sum of \$69,032, making the total gain from all the outside forces of \$521,983.63, the net expenses at Huntsville penitentiary, Rusk penitentiary and the general system for the year amounting to \$179,905.40, resulting in a net gain for the entire system for the year \$342,078.23.

It will be observed that during this period of one year the net gains were within \$42,000 of being double the net gains of the highest previous two years' gains of the system. Of course, \$69,032 of this amount represents a credit of the convict labor charged to the cost of the Texas State Railroad. About \$50,000 is represented by the increase of the State farms over the previous two-year period, and the remaining difference of about \$30,000 could no doubt be accounted for in the decreased net expenses of the Rusk penitentiary.

Exhibit E-3.—This is a statement of the financial condition of the entire system at the close of business on August 31, 1909, from which will be observed the total assets of \$3,426,051.43, while the liabilities outside of the credit of the State of Texas for capital and surplus aggregate \$454,298.35, resulting in an increase of the surplus account of \$342,078.23, which is the amount of the net gains for the year as shown under Exhibit E-2.

It will be observed from this report that the Texas State Railroad shows as an asset \$530,382.64, which is the total cost of the construction and equipment of the railroad. Against this asset is shown the liability of \$200,000 first mortgage 5 per cent bonds, which bonds are held by the school fund of the State of Texas.

EXHIBIT E.

TEXAS PENITENTIARY SYSTEM—STATEMENT OF LOSS AND GAIN AT HUNTSVILLE ONE YEAR, ENDING AUGUST 31, 1909.

LOSSES.

Prison account	\$	18,291	33
Supplies account		30,980	80
Assistant Superintendent's office		387	06
Power account		20,164	57
Expense account		194	05
Prison library		70	25
Repairs and maintenance		10,994	34
Teachers		426	67
Machine shop		27,001	72
Furniture factory		7,761	79
Pay rolls		31,861	81

\$ 148,134 39

GAINS.

Interest and discount	\$ 1,060 00	
Hospital supplies	899 09	
Store	2,878 34	
Cotton factory	6,867 37	
Tailor shop	14,695 85	
Shoe shop	1,389 50	
Wagon factory	10 08	
	<hr/>	\$ 27,800 23
		<hr/>
		\$ 120,334 16
Less credit for convict labor		45,798 00
		<hr/>
Net loss Huntsville year ending August 31, 1909		\$ 74,536 16

EXHIBIT E-1.

TEXAS PENITENTIARY SYSTEM—STATEMENT OF LOSS AND GAIN AT RUSK PENITENTIARY ONE YEAR ENDING AUGUST 31, 1909.

LOSSES.

Prison account	\$ 11,885 98
Supplies account	13,147 56
Expense account	823 96
Hospital account	1,721 29
Discharge account	236 71
Forage account	2,243 64
Assistant Superintendent's office expense	9 22
Recapture expense	24 15
Water works	490 17
Iet factory	428 55
Power account	1,249 34
Financial Agent's office expense	429 57
Tailor shop	2,118 76
Furniture factory	795 09
Interest and discount	2,377 73
Pipe foundry	12,996 44
Blast furnace	60 61
Ore bed railroad maintenance	298 87
Prison building repairs	1,061 33
Bad accounts	128 50
Cotton Belt Railroad "old claims"	3,466 77
Salaries	19,299 26
	<hr/>
	\$ 75,293 50

GAINS.

Store account	\$ 220 40
Machine shop	1,031 97
Garden account	2,030 49
Live stock sales	2,795 37
Timber sales	1,249 75
Rent	643 42
	<hr/>
	\$ 7,971 40
	<hr/>
	\$ 67,322 10
Less credit for convict labor	32,129 14
	<hr/>
Net loss for one year ending August 31, 1909	\$ 35,192 96

EXHIBIT E-2.

CONDENSED STATEMENT LOSS AND GAIN ENTIRE PENITENTIARY SYSTEM ONE YEAR ENDING AUGUST 31, 1909.

GAINS OUTSIDE FORCES.

State farms "net revenue"	\$ 187,107 66
Share farms "net revenue"	17,656 00
Contract forces "net revenue"	246,514 26
State railroad operations "revenue"	1,673 71
	<u>\$ 452,951 63</u>
Add convict labor charged to construction State railroad.....	69,032 00
Total gains outside forces	\$ 521,983 63

LOSSES.

Loss Huntsville, "exhibit attached"	\$ 74,536 16
Loss Rusk, "exhibit attached"	35,192 96
General system expense:	
General salaries	\$ 18,100 80
Superintendent's office expense	1,011 54
Financial Agent's office expense	2,777 23
General traveling expense	7,310 86
Conveying new convicts	16,945 04
Convict discharge expense	18,011 74
Convict recapture expense	2,086 10
Convict transportation expense	3,932 97
	<u>\$ 70,176 28</u>
Total losses	\$ 179,905 40
Net gain entire system one year Ending August 31, 1909	\$ 342,078 23

EXHIBIT E-3.

TEXAS PENITENTIARY SYSTEM—STATEMENT OF FINANCIAL CONDITION AUGUST 31, 1909.

ASSETS.

Buildings at Huntsville	\$ 434,495 75
Lands at Huntsville	21,500 00
Office furniture and fixtures at Huntsville	4,230 00
Library furniture and fixtures at Huntsville	1,499 45
Power plants at Huntsville	24,168 00
Live stock at Huntsville	5,795 00
Inventories:	
Inside industries at Huntsville	241,521 58
Store at Huntsville	6,489 11
Hospital at Huntsville	4,226 60
Discharge clothing at Huntsville	3,161 00
Prison supplies, etc., at Huntsville	12,715 66
Total assets at Huntsville	\$ 759,802 15

Net assets at Rusk, "exhibit attached"		796,251 45
Clemens State farm	\$ 560,024 46	
Harlem State farm	223,852 44	
Wynne State farm	19,910 76	
Imperial State farm	198,349 66	
Ramsey State farm	178,857 82	
Inventories at share farms	5,656 82	
Inventories at contract forces	29,292 83	
Inventories live stock at railroad camp	15,960 58	
Star State sawmill	25,039 50	
<hr/>		
Total assets outside		\$1,256,944 87
Cash on hand and with banks	\$ 28,541 30	
Bills and accounts receivable	49,088 82	
Receiver T. W. House bank	5,040 20	
<hr/>		
Texas State railroad "total cost"		\$ 82,670 32
		530,382 64
<hr/>		
Total assets		\$3,426,051 43

LIABILITIES.

State of Texas Capital Account:		
Property at Huntsville and Rusk	\$ 810,155 00	
Cash furnished to date	1,298,059 91 ✓	
<hr/>		
		\$2,108,214 91
State of Texas Surplus Account:		
Net profits to September 1, 1908	\$ 521,459 94	
Add profits one year ending August 31, 1909.....	342,078 23	
<hr/>		
		\$ 863,538 17
State Railroad first mortgage bonds		200,000 00
Bills payable "due on State farms"		192,005 25
Sundry accounts payable		62,293 10
<hr/>		
Total liabilities		\$3,426,051 43

ASSETS AT RUSK AUGUST 31, 1909.

Prison buildings and furniture and fixtures		\$ 316,507 21
Lands and rights of way		38,857 59
Machinery and tools		94,536 95
Blast furnace and appurtenances	\$ 130,706 21	
Blast furnace construction account	22,425 19	
<hr/>		
		153,131 40
Pipe foundry and appurtenances		88,037 23
Railroad to ore bed, etc.		18,203 01
Power plant		33,802 55
Live stock		18,870 00
Inventories store		8,938 45
Inventories inside industries		6,143 76
Inventories, prison supplies, etc.		2,798 44
Inventories pipe foundry		7,511 82
Inventories blast furnace		742 50
Inventories ore bed		2,092 65
Accounts receivable		11,174 22
<hr/>		
		\$ 801,347 78
Less accounts payable		5,096 33
<hr/>		
Net assets at Rusk		\$ 796,251 45

Exhibit F.—This is a statement of the losses and gains of the entire system for a period of nearly nine years, beginning the 1st of November, 1900, and ending August 31, 1909, which shows in detail the profits for each of the periods covered by the audit of the State farms amounting to \$597,732.33; of the share farms amounting to \$228,054.11; of the contract forces amounting to \$1,524,243.55; of the State Railroad credit for convict labor and operations for one year, amounting to \$70,705.71, making the total net gains for the entire period, of outside forces, \$2,420,736.10, and showing the losses at Huntsville for the entire period to be \$352,168.71—losses at Rusk for the entire period, \$863,734.72—general system expenses for the entire period, \$641,332.27; making the total losses and expenses \$1,857,235.70. This amount deducted from the net gains of outside forces, as shown above, results in the balance \$563,500.40, which is the net gain of the entire system for nearly nine years covered by the audit.

This statement is prepared in comparative form so that you may readily determine the results of each branch of the system for each of the biennial periods.

EXHIBIT F.

TEXAS PENITENTIARY SYSTEM—SUMMARY OF LOSS AND GAIN OF ENTIRE SYSTEM.
NINE YEARS ENDING AUGUST 31, 1909.

PERIOD.	Profit State Farms.	Profit Share Farms.	Profit Contract Forces.	Profit Outside Forces.	Total Profits.
August 31, 1902—2 years.....	\$ 45,343.10	\$ 95,637.41	\$ 227,690.52		\$ 368,671.03
August 31, 1904—2 years.....	Loss 23,292.30	58,998.42	298,526.54		334,232.66
August 31, 1906—2 years.....	258,867.38	20,374.74	340,538.31		619,780.43
August 31, 1908—2 years.....	129,706.89	35,387.54	410,973.92		576,068.35
August 31, 1909—1 year.....	187,107.66	17,656.00	246,514.26	\$ 70,705.71	521,983.63
	\$ 597,732.73	\$ 228,054.11	\$ 1,524,243.55	\$ 70,705.71	\$ 2,420,736.10

LOSSES.

PERIOD ENDING	Losses Huntsville.	Losses Rusk.	Gen. System Expense.	Total Losses.	Net Loss.	Net Profit.
August 31, 1902.....	\$ 76,682.79	\$ 217,689.50	\$ 115,468.66	\$ 409,840.95	\$ 41,169.92
August 31, 1904.....	61,559.55	201,758.72	138,309.48	401,627.75	67,395.09
August 31, 1906.....	77,749.15	216,815.06	187,467.29	482,031.50	\$ 137,748.93
August 31, 1908.....	61,641.06	192,278.48	129,910.56	383,830.10	192,238.25
August 31, 1909—1 year.....	74,536.16	35,192.96	70,176.28	179,905.40	342,078.23
	\$ 352,168.71	\$ 863,734.72	\$ 641,332.27	\$ 1,857,235.70	\$ 108,565.01	\$ 672,065.41
					Net Gain.....	108,565.01
						\$ 563,500.40

RECAPITULATION.

Total Profits for Nine Years at Outside Forces, as shown above.....		\$2,420,736.10
Less Total Loss at Huntsville, Nine Years, as shown above.....	\$352,168.71	
Less Total Loss at Rusk, Nine Years, as shown above.....	863,734.72	
Less Total General System Expense, Nine Years, as shown above.....	641,332.27	1,857,235.70
Net Gain Entire System, Nine Years.....		\$ 563,500.40

Exhibit G.—This is a statement of the amount standing to the credit of the surplus account at the end of each period, from which will be observed that between November 1, 1900, and August 31, 1902, the credit to surplus account was reduced by \$41,169.92, which is the amount of the net loss during the period.

During the next two years, ending August 31, 1904, the credit to surplus account was further reduced by \$67,395.09, which is the amount of loss for that two years.

For the next two years, ending August 31, 1906, the credit to surplus account was increased by \$137,748.93, which represents the net profits for that two years.

For the next two years, ending August 31, 1908, the credit to the surplus account was again increased by the sum of \$192,238.25, which represents the net profits for that two years.

For the next and last year, ending August 31, 1909, the credit to the surplus account was increased by the sum of \$342,078.23, which represents the net profits for the one year.

It will be observed, by a study of this statement, that the increase in the surplus credit for a period of nearly nine years, covered by our audit, amounts to the sum of \$563,500.40, which is the net gains of the entire system for the nine years, as is shown in detail under Exhibit F.

EXHIBIT G.

STATEMENT OF SURPLUS ACCOUNT—FROM NOVEMBER 1, 1900, TO AUGUST 31, 1909.

	Credits.		
Nov. 1st, 1900	By balance net profit Nov. 1st, 1900.....		\$ 300,037.77
Aug. 31st, 1902	By net gain outside forces, period ending August 31st, 1902.....		368,671.03
			\$ 668,708.80
	Debits.		
Aug. 31st, 1902	To loss at Huntsville, period ending August 31st, 1902.....	\$ 76,682.79	
Aug. 31st, 1902	To loss at Rusk, period ending August 31st, 1902.....	217,689.50	
Aug. 31st, 1902	General System Expense, period ending August 31st, 1902.....	115,468.66	409,840.95
	By balance, September 1st, 1902 (Decrease \$41,169.92).....		\$ 258,867.85
	Credits.		
Sept. 1st, 1902	By balance net profits.....		\$ 258,867.85
Aug. 31st, 1904	By net gain outside forces, 2 years ending August 31st, 1904.....		334,232.66
			\$ 593,100.51
	Debits.		
Aug. 31st, 1904	Loss at Huntsville, 2 years ending August 31st, 1904.....	\$ 61,559.55	
Aug. 31st, 1904	Loss at Rusk, 2 years ending August 31st, 1904.....	201,758.72	
Aug. 31st, 1904	Loss General System Expense, ending August 31st, 1904.....	138,309.48	401,627.75
	By balance, September 1st, 1904 (Decrease \$67,395.09).....		\$ 191,472.76
	Credits.		
Sept. 1st, 1904	By balance net profit.....		\$ 191,472.76
Aug. 31st, 1906	By net gain outside forces, 2 years ending August 31st, 1906.....		619,780.43
			\$ 811,253.19

STATEMENT OF SURPLUS ACCOUNT—FROM NOVEMBER 1, 1900, TO AUGUST 31, 1909—continued.

		Debits.			
Aug. 31st, 1906	Loss at Huntsville, 2 years ending August 31st, 1906.....		\$ 77,749.15		
Aug. 31st, 1906	Loss at Rusk, 2 years ending August 31st, 1906.....		216,815.06		
Aug. 31st, 1906	Loss General System Expense, ending August 31st, 1906.....		187,467.29		\$ 482,031.50
	By balance, September 1st, 1906 (Increase \$137,748.93).....				\$ 329,221.69
		Credits.			
Sept. 1st, 1906	By balance net profits.....				329,221.69
Aug. 31st, 1908	Net gain outside forces, 2 years ending August 31st, 1908.....				576,068.35
					\$ 905,290.04
		Debits.			
Aug. 31st, 1908	Loss at Huntsville, 2 years ending August 31st, 1908.....		\$ 61,641.06		
Aug. 31st, 1908	Loss at Rusk, 2 years ending August 31st, 1908.....		192,278.48		
Aug. 31st, 1908	Loss General System Expense, ending August 31st, 1908.....		129,910.56		383,830.10
	By balance, September 1st, 1908 (Increase \$192,238.25).....				\$ 521,459.94
		Credits.			
Sept. 1st, 1908	By balance net profits.....				521,459.94
Aug. 31st, 1909	Net gain outside forces, 1 year ending August 31st, 1909.....				521,983.63
					\$ 1,043,443.57
		Debits.			
Aug. 31st, 1909	Loss at Huntsville, 1 year ending August 31st, 1909.....		\$ 74,536.16		
Aug. 31st, 1909	Loss at Rusk, 1 year ending August 31st, 1909.....		35,192.96		
Aug. 31st, 1909	Loss General System Expense, ending August 31st, 1909.....		70,176.28		179,905.40
	By balance, September 1st, 1909 (Increase \$342,078.23).....				\$ 863,538.17



Where we had to find a large quantity of the records.

EXHIBIT H.

This is a statement in detail of the accounts and bills receivable, and also the accounts payable on the books of the system on August 31, 1909, and is self-explanatory.

EXHIBIT I.

This is a statement showing in detail the accounts and bills receivable which have been dropped from the books of the system without explanation as to why they were dropped.

It is quite probable that many of these accounts became uncollectible by reason of failure or otherwise, but even in this case, proper entries should have been made on the books showing why the system sustained this loss.

It is also probable that many of them are offset by contra accounts, but if such is the case the records do not show it. This is another evidence of carelessness, inefficient and reckless bookkeeping.

Among the accounts are a number of C. O. D. shipments, which certainly must have been collected, although, if such be the case, no accounting has been made to the system. These, of course, are all small amounts and would not amount to a very large sum in the aggregate.

There are other accounts, however, appearing in the exhibit of very large amounts, and these should be carefully gone into by the committee and such steps as may be necessary inaugurated to ascertain just how settlement was made. If any of them have been paid in cash, then no accounting for such collections have ever been made on the books of the system.

The notes and accounts dropped from the Huntsville books amount to something over \$49,000, and from the Rusk books over \$26,000.

These accounts were dropped between August 31, 1904, and September 1, 1907.

EXHIBIT J.

GENERAL CONDITION OF THE BOOKS AND ACCOUNTS.

It will be recalled that the committee contemplated that we should begin the audit at September 1, 1901; however, on getting into the books and accounts, we found that at that time no starting point could be obtained, and therefore we had to begin the audit with November 1, 1900, because that was the date on which the books were closed.

Beginning with November 1, 1900, we find that none of the buildings and lands at either Huntsville or Rusk appear on the books of the system, and consequently the State had never received credit for this property as the part of the capital account.

From November 1, 1900, up to the 1st of September, 1904, the books and records of the system at Huntsville were kept in fairly good condition, at the same time it is proper for us to state that the biennial reports, which were submitted by the Financial Agent at the close of the periods, never represented the figures on the books of the system. This fact will be apparent by comparison of these reports with the statements herewith submitted.

Beginning September 1, 1904, the man in charge of the books at Huntsville penitentiary seems to have stopped work, as we find that supplies and materials, during the thirty months following September 1, 1904, and aggregating close to one-half a million dollars, were never recorded anywhere on the books of the system.

In order to supply statements that we have prepared it was necessary for us to find the original invoices for supplies and materials that had been purchased and received in order to get the proper accounting for of the money that had been disbursed by the system. This condition has consumed practically two months of our time, for without such data it would have been impossible for

any intelligent or accurate statement of the operations of the system to have been presented.

The records and books which we were compelled to refer to were found packed in boxes and stored in the cellar of the penitentiary storeroom, without reference to classification or dates. Other records in the shape of "counter-blotters" we had to obtain from the offices of the industries inside of the penitentiary walls.

We also found that during the period from November 1, 1900, to February 1, 1907, the bank accounts of the system were only kept through the "Journal" by the bookkeeper and not through the cash book, where they properly belonged. This had the effect of placing the bank account under the absolute control of the bookkeeper, who, during the first part of that period, was a convict, and, later on, after having "restoration of citizenship" granted to him, was still retained in the position of bookkeeper.

To show the reckless manner in which the books of the system were kept during the period in question, we call attention to the fact that during the month of July, 1906, there was borrowed from a bank establishment the sum of \$50,000 as an advance on "pig iron." The record of this transaction never went on the account on the ledger or book of final entry, but was accounted for on the cash book as a receipt. When the loan was paid in November, 1906, the only record of the payment was on the cash book, so that in reporting amount of cash on hand at the close of the biennial period on August 31, 1906, the system owed to this banking institution for money the sum of \$50,000 and interest which the books of the system do not show.

We also wish to call your attention to the financial statement of August 31, 1906, Exhibit C-3, which shows that the cash on hand in the bank at that time was \$23,561.20, while the biennial report of the Financial Agent at that period showed the amount of cash on hand as \$30,561.60. At the same time the system had an overdraft on one of the banks at Huntsville of nearly \$20,000, which liability was not shown in the biennial report of August 31, 1906.

We also call your attention to the effort that was made by the bookkeeper to have this bank account shown on the ledger different from what it actually was. We cannot understand why this was done—certainly there could be no proper explanation. In fact, the books and accounts at Huntsville for the period of from September 1, 1904, to the date of January 1, 1907, were kept in a careless, inaccurate and inefficient manner. We can scarcely conceive of the management of the Financial Agent's department of a State institution of the magnitude of the penitentiary system permitting of such reckless handling of the accounts and books of a department for which he was responsible.

EXHIBIT K.

RUSK.

The books and accounts kept in the Assistant Financial Agent's office at Rusk penitentiary seem to have been in balance September 1, 1902, but the accounts were not properly classified. From that date up to the 1st of January, 1907, no comment or criticism that we might make of the manner in which the books were kept, other than to say that they were entirely without value, would be anything more than mere waste of words.

The books referred to have the appearance of having been handled by school boys without other knowledge than that of penmanship. It was necessary to take the balances as we found them on the books September 1, 1902, and to work up the debits and credits for the various accounts up to January 1, 1907.

We are going to content ourselves with giving you gentleman a chance to personally inspect some of the books and records that we handled at the Rusk office, as their condition will speak for themselves.

It gives us pleasure to state that from January 1, 1907, to September 1, 1909, the books and accounts, both of the Huntsville and Rusk prisons, have been kept in fairly accurate and neat condition, so far as the transactions occurring

during that period are concerned. Of course, the balances were forced to start with, and the books today do not represent the proper condition of the financial status of the penitentiary system. For instance, the books do not show any credit to the State for the earnings of the system for any period, nor do they show any credits to the State for the cash furnished by the State to the system prior to January 1, 1907.

The books do not show, with any degree of accuracy, the costs of the State Railroad, nor do they show the costs and values of the State farms, with the exception of the three farms purchased during the past few years.

On August 31, 1909, the books do not show the liabilities of the Texas State Railroad for \$150,000 received from the Texas school fund for bonds sold to them. As a matter of fact when this money was sent to Rusk it was credited to the construction account of the Texas State Railroad, and therefore the cost of the construction of the railroad, according to the books at Rusk, was reduced by this \$150,000.

We might here offer a suggestion that the State should have the books of the system, both at Huntsville and Rusk, put in a condition so that they would represent the actual financial status of the system, since, as they now stand, no intelligent understanding can be had from them, and it will be impossible in the future, as it has been in the past, for any correct biennial report to be prepared without the readjustment of every representative account on the books.

EXHIBIT L.

INDUSTRIES AT HUNTSVILLE.

No record has been kept of the operations of the industries at Huntsville so that a true statement of the results could be made at the close of each biennial period, nor are the records in such shape that the cost of manufacturing the various articles might be obtained. This condition renders it impossible for the Financial Agent to prepare a proper appraisement of the commodities of the system that are offered for sale.

We call attention to the fact that the various industries have not been charged with the salaries of the superintendents or foremen in charge of the said industries or the salaries of the guards in attendance, but this expense has been charged up to what is termed a general payroll account, nor have the various industries been charged with any proportion of the general expenses, such as power, light, fuel, etc.

Our opinion is, that in view of the conditions prevailing at Huntsville penitentiary, that the net expense of maintaining this branch of the system is not excessive, as it appears that the prison at Huntsville is the only place at which the non-productive class of the population can be cared for.

EXHIBIT M.

INDUSTRIES AT RUSK.

The principal industry at the Rusk penitentiary is that of manufacturing pig iron and cast iron piping, and we regret very much to state that the records at Rusk will not permit the making up of any intelligent report on the cost of mining the ore, the cost of manufacturing the iron or pipe, etc.

We made a special effort to find records of some kind or description that would enable us to give you an intelligent report on this branch of the system, but after compiling what figures we could find from various and sundry pencil memorandums and notations, any results as to detail that might be gathered therefrom would be necessarily misleading and without value. We must, therefore, content ourselves with submitting the net results of the entire Rusk penitentiary with as much detail as shown in each of the exhibits heretofore

submitted as it was possible for us to secure. We might say, however, that during the period from November 1, 1900, to August 31, 1902, the loss of the iron industry, without any proportion of the general expenses and without any charge for the salaries of the general manager and superintendents of the iron industry, was \$34,065.86. That for the two years ending August 31, 1904, the loss was \$66,144.42; that the two years ending August 31, 1906, the loss was \$97,407.78 (with iron ore charged at 50c per ton); that the two years ending August 31, 1908, the loss was \$66,677.88 (with ore charged at 50c per ton). For the year ending August 31, 1909, the loss was \$13,355.92, with only the pipe foundry in operation. Total, \$277,651.86.

To give the committee an idea as to how some of the records at Rusk were handled, we quote a notation found on one of the books, viz.: "These few days' operations of the furnace is left blank because the furnaceman refused to make daily reports."

Now, with reference to the operation of the iron industry at Rusk by the State of Texas, we venture to submit as our opinion that with the supply of coke at its present distance and the enormous cost of lime rock, it is impractical for the State to successfully operate this industry.

Constant operation and experienced management is absolutely essential (even where the cost of raw materials is much lower than now prevail at Rusk) to the successful conduct of an industry of this nature. In our opinion this constant operation and experienced management can never be obtained where the policies of the management are under the auspices of ever-changing administrations. The decrease in the net loss at Rusk penitentiary for the last year, when the iron industry (with the exception of the pipe foundry) was not in operation, is a material argument for this conclusion.

It may be proper for us to state here, however, that this industry could be operated by the State at a much less loss than has heretofore been the case, provided it had continuous operation under the management of experienced ironmakers.

EXHIBIT N.

TEXAS STATE RAILROAD.

By referring to Exhibit E-3, you will note that the total cost of the Texas State Railroad, consisting of about thirty-four miles, was \$530,382.64. This consists of, first, the value of the old eleven and a half miles of road, including equipment and "rights of way," which are stated on the books of the Rusk penitentiary as amounting to \$102,839.68. The cost of material, supplies and equipment of every kind whatsoever in putting, not only the old road in condition, but building the additional road to completion, amounts to \$358,510.96, this last mentioned figure also includes the cost of maintaining the convicts while at work on this road and other expenses, including interest on the above, aggregating something over \$12,000. The total cost of this road, as above mentioned, also includes the sum of \$69,032, which represents the labor of the convicts at 50 cents per day over and above the cost of maintaining them. The cost per mile, including equipment, stations, etc., will figure at about \$15,600.

Owing to the fact that they had an account pertaining to the construction of the road on the books both at Huntsville and at Rusk, it has been somewhat difficult to properly classify the charges in connection with it. We are glad to say, however, that the figures we here give are absolutely correct, and the books of the penitentiary system should be made to conform thereto.

To illustrate to you what difficulties we had to contend with in figuring out this railroad proposition, we will recite an entry that was made on the books at Huntsville. Live stock was purchased for work on the railroad, and, when the live stock was paid for, it was properly charged on the books to the "Railroad Construction Account." When this live stock was taken away from the railroad camp and distributed to the various farms, instead of crediting the "Railroad Construction Account" with the value of the live stock, to offset the previous charge, they credited it to the "Railroad Operating Account," this entry

resulting in showing a profit from the railroad operations of \$15,000, while it increased the cost of the construction of the railroad by the amount stated.

We do not make this statement with any spirit of unkindness toward the accounting department, but merely as a matter of information to the committee, showing that the accounting department of the penitentiary system is now, and has been, conducted without the judgment and experience which a proposition of the magnitude of this system necessarily demands.

EXHIBIT O.

STATE FARMS.

The value of each of the State farms you will find under Exhibit E-3 of this report. The net results of operations during the nine years you will find summarized under Exhibit F of this report.

The net profits from operations for the entire period of nearly nine years of the State farms amount to the sum of \$597,732.73, and it is proper for us to here state that the entire cost of maintaining the convicts, including pay rolls at these farms, has been charged against the revenues; no portion of any time that may have been consumed by the convicts in clearing the land, etc., has been charged up against the valuation of the permanent properties.

There is no record, so far as we have been able to find, to show the amount of land cleared, ditched and diked, nor does there appear to be any record of the time put in by the convicts in making improvements of a permanent nature. It is no doubt proper that the values of the permanent properties should be increased by the cost of maintaining the convicts for the time they consume on improvements of the nature in question, provided some intelligent plan can be devised to fix the increase per acre cleared. However, in increasing the valuations of such properties, a separate and distinct account should be kept to cover these particular items, so that any increases in value by reason of these improvements will not show on the books of the system as an earning from operation.

EXHIBIT P.

RECOMMENDATIONS AND GENERAL COMMENTS.

1. The accounting department of the penitentiary system must be completely reorganized if the State of Texas ever hopes to have the accounts of the institution handled with the proper degree of accuracy and system.

2. No member of the prison population should ever be engaged on any work in the general accounting department of the system. Such convicts as are adapted to clerical work can be advantageously placed in the offices of the inside shops and industries.

3. The financial operations of the system are of great magnitude and entail a large amount of intelligent, careful and accurate accounting, and it is folly to attempt to handle this branch of the system with the force and methods now in vogue and expect any perceptible improvement over present conditions, which are unintelligible, inaccurate and without system.

4. The force in the accounting department of the Financial Agent's office in Huntsville should consist of:

First—Chief accountant.

Second—Cashier.

Third—General bookkeeper.

Fourth—Voucher clerk and assistant bookkeeper.

Fifth—Storekeeper and shipping clerk.

Sixth—Billing clerk and stenographer.

The Financial Agent should be authorized and instructed to engage the services of a firm of accountants of recognized ability to begin at once the work of reorganizing and systematizing the accounting department of the penitentiary

system, the accountants so engaged to act as the "Chief Accountant" for the entire system until the department has been put in a proper working condition.

5. The present vault arrangement is entirely inadequate for the proper filing of records, and we recommend that it be enlarged and equipped with metal filing devices necessary for the systematic filing of documents, books and records. The records of the financial end of the system are at present in a most deplorable condition, and we see little hope for improvement unless this recommendation is carried out. We append to this report a blue print we have had prepared showing how the vault and offices should be arranged, which is self-explanatory.

6. We have devised and installed (though installation of methods was not contemplated) the principal records necessary for the proper conduct of the work in the general accounting office at Huntsville.

7. We venture the assertion that with the accounting department properly organized and handled in an intelligent and systematic manner a saving of at least \$25,000 per annum will be effected.

8. The fiscal period under present system covers a period of two years, closing on the 31st of August. We recommend that the closing of the period be changed to December 31st, and that the books be closed annually instead of biennially. This will require the taking of inventories at the close of each year, and reports of operations and conditions will be prepared covering each year instead of two years as at the present time.

The closing of the books on August 31st renders it impossible to prepare proper statements of the operations of the State and share farms, for the reason that the expense of making the crops (the greater portion of it) is incurred prior to August 31st, while the revenue therefrom accrues subsequently.

EXHIBIT Q.

CONCLUSION.

In conclusion, it gives us pleasure to say that, in the conduct of our work both at Huntsville and Rusk, we have been accorded every courtesy and facility by each official and employe of the system with whom it was necessary for us to come in contact, and we desire to take this opportunity to express our appreciation.

Respectfully submitted,

CORPORATION AUDIT COMPANY

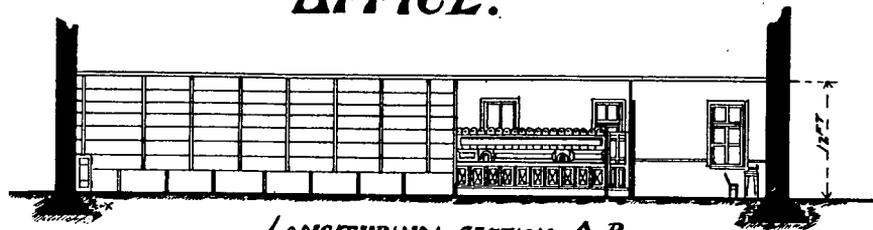
By C. H. SCHOOLAR.

By E. G. MYERS.

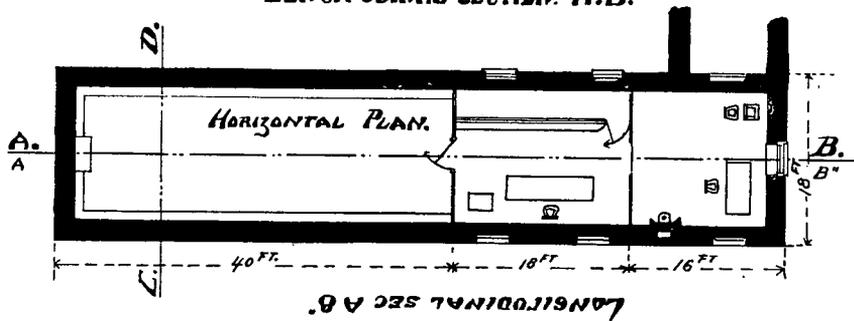
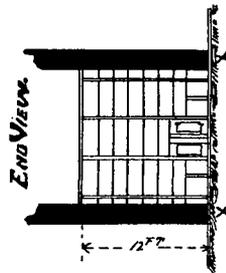
The above and foregoing report is true and correct as to the financial condition of the Texas State penitentiaries, and allied industries, as shown by the books, papers and records of the institution.

See certificate on page 107.

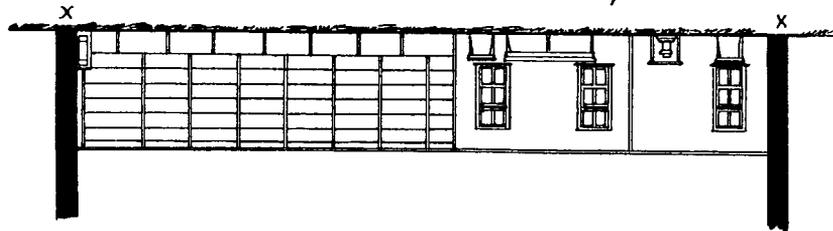
OFFICE.



LONGITUDINAL SECTION. A.B.



HORIZONTAL PLAN.



LONGITUDINAL SEC A.B.